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TITLE 20

subdivisions

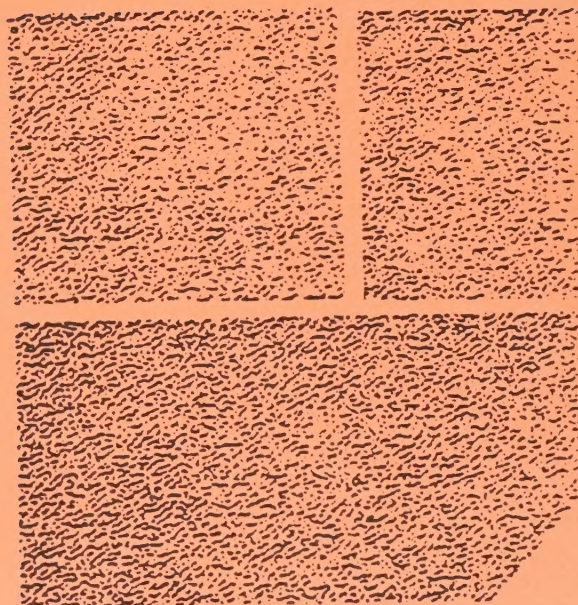
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Title 20

SUBDIVISIONS

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Chapter 20.04

PLANNING COMMISSION

Sections:

- 20.04.010 Planning commission established.
- 20.04.020 Membership and terms.
- 20.04.030 Powers and duties.

20.04.010 Planning commission established. There is established a planning commission for the county of Marin. (Ord. 2731 § 1 (part), 1982; Ord. 2163 § 1 (part), 1975).

20.04.020 Membership and terms. The planning commission shall consist of seven members, appointed by the board of supervisors. Five members of the commission shall be representative of the five supervisorial districts. Each supervisor may nominate one member for appointment by the board of supervisors. The remaining two members shall be appointed and serve at large. All vacancies shall be filled for the unexpired term in the same manner. The terms of district members shall be four years and of at large members shall be for two years; however, members may be removed at any time during their term by a majority vote of the board of supervisors. (Ord. 2731 § 1 (part), 1982; Ord. 2163 § 1 (part), 1975).

20.04.030 Powers and duties. The planning commission shall have the powers and duties prescribed and also those powers and duties enumerated in this title. (Ord. 2731 § 1 (part), 1982; Ord. 2163 § 1 (part), 1975).

Chapter 20.06

DEFINITIONS

Sections:

- 20.06.010 Generally.
- 20.06.015 Advisory agency.
- 20.06.025 Lot line adjustment.
- 20.06.030 Subdivider.
- 20.06.035 Subdivision.
- 20.06.040 Tentative map.
- 20.06.050 Merger.

20.06.010 Generally. The definitions set forth in this chapter shall apply to the provisions of this title. Whenever any words or phrases as used in this title are not defined in this chapter but are defined in the Subdivision Map Act as last amended, such definitions are incorporated into this chapter and shall apply as though set forth in this title. (Ord. 2731 § 2 (part), 1982).

20.06.015-20.06.050 SUBDIVISIONS

20.06.015 Advisory Agency. "Advisory Agency" means a designated official or an official body charged with the duty of making investigations and reports on the design and improvement of proposed divisions of real property, the imposing of requirements or conditions thereon, or having the authority by local ordinance to approve, conditionally approve or disapprove maps:

- (a) The planning commission or planning director, as specified in this title, shall constitute the advisory agency for tentative maps where a final map is required.
- (b) The planning commission or planning director, as specified in this title, shall constitute the advisory agency for tentative maps where a parcel map is required and for parcel maps. (Ord. 2731 2 (part), 1982.)
- (c) The planning commission or planning director, as specified in this title, shall constitute the advisory agency for mergers. (Ord 2865, Feb. 12, 1986.)

20.06.025 Lot Line Adjustment. "Lot Line Adjustment" means an adjustment or relocation of a boundary line or a transfer of real property between two adjacent property owners or adjacent lots shown on a recorded subdivision or parcel map, which adjustment or relocation does not result in the creation of additional parcels or potential building sites. (Ord 2731 2 (part), 1982.)

20.06.030 Subdivider. "Subdivider" means a person, firm, corporation, partnership, or association proposing to divide, dividing or causing to be divided real property into a subdivision for himself or for others, except that employees and consultants of such persons or entities acting in such capacity are not subdividers. (Ord 2731 2 (part), 1982.)

20.06.035 Subdivision. "Subdivision" means the division by any subdivider of any unit or units of improved or unimproved land, or any portion thereof, shown on the latest equalized county assessment roll as a unit or as contiguous units for the purpose of sale, lease or financing, whether immediate or future, except for leases of agricultural land for agricultural purposes. Property shall be considered as contiguous units even if it is separated by roads, streets, utility easements or railroad rights-of-way. "Subdivision" includes a condominium project as defined in Section 1350 of the Civil Code, a community apartment project as defined in Section 11004 of the Business and Professions Code, or the conversion of five or more existing dwelling units to a stock cooperative as defined by Section 11003.2 of the Business and Professions Code. Any conveyance of land to a governmental agency, public entity or public utility shall not be considered a division of land for purposes of computing the number of parcels. As used in this section, "agricultural purposes" means the cultivation of food or fiber or the grazing or pasturing of livestock. (Ord..2731 2 (part), 1982.)

20.06.040 Tentative Map. "Tentative Map" means a map made for the purpose of showing the design and improvement of a proposed subdivision and the existing conditions in and around it. A tentative map need not be based upon an accurate or detailed final survey of the property boundary. (Ord 2731 2 (part), 1982.)

20.06.050 Merger. Repealed (Ord. 2840, August 7, 1984.)

Chapter 20.08

GENERAL PROVISIONS*

Sections:

- 20.08.010 Purpose and citation.
- 20.08.015 Application.
- 20.08.020 Actions by interested persons.
- 20.08.025 Zoning and development requirements.
- 20.08.030 Adopted plans.
- 20.08.035 Regulations and plans of municipalities.
- 20.08.040 Coastal zone.
- 20.08.045 Tentative and final map required.
- 20.08.050 Tentative and parcel map required.
- 20.08.055 Parcel map waiver.
- 20.08.056 Tentative map waiver.
- 20.08.057 Subdivision established.
- 20.08.060 Lot line adjustments.
- 20.08.063 Mobile home park conversion.
- 20.08.065 Merger of lots.
- 20.08.070 Violations designated.
- 20.08.075 Penalties for violations.
- 20.08.080 Severability.

20.08.010 Purpose and citation. This title is enacted for the purpose of adopting regulations to supplement and implement the Subdivision Map Act of the state of California (Title 7, Division 2 commencing with Section 66410 of the Government Code) and may be cited as the "Subdivision Code of the County of Marin." (Ord. 2731 § 3 (part), 1982).

20.08.015 Application. The regulations established by this title shall apply to all subdivisions and lot line adjustments or parts thereof lying wholly or in part within the unincorporated territory of the county and are declared to be the minimum reasonably necessary to promote and protect the public health, safety, peace, morals, comfort and general welfare and for

*Prior ordinance history: Ord. 2163.

20.08.020-20.08.040 SUBDIVISIONS

the accomplishment thereof. The regulations of this title shall be inapplicable to:

(a) The financing or leasing of apartments, offices, stores or similar space within apartment buildings, industrial buildings, commercial buildings, mobile home parks or trailer parks;

(b) Mineral, oil or gas leases;

(c) Land dedicated for cemetery purposes under the Health and Safety Code of the state of California;

(d) Boundary line or exchange agreements to which the State Lands Commission or a local agency holding a trust grant of tide and submerged lands is a party;

(e) Any separate assessment under Section 2188.7 of the Revenue and Taxation Code;

(f) The financing or leasing of any parcel of land, or any portion thereof, in conjunction with the construction of commercial or industrial buildings on a single parcel;

(g) The financing or leasing of existing separate commercial or industrial buildings on a single parcel. (Ord. 2731 § 3 (part), 1982).

20.08.020 Actions by interested persons. When any provision of the Subdivision Map Act or of this title requires the execution of any certificate or affidavit or the performance of any act by a person in his official capacity who is also a subdivider or an agent or employee thereof, such certificate or affidavit shall be executed or such act shall be performed by some other person duly qualified therefor and designated so to act by the board of supervisors. (Ord. 2731 § 3 (part), 1982).

20.08.025 Zoning and development requirements. All lots or parcels shall conform to the requirements of Title 22 and to the applicable provisions of Titles 23 and 24. (Ord. 2731 § 3 (part), 1982).

20.08.030 Adopted plans. Approval of any subdivision shall be based on a finding that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the adopted Marin Countywide Plan and any adopted specific plan, community plan or local coastal plan which is applicable. (Ord. 2731 § 3 (part), 1982).

20.08.035 Regulations and plans of municipalities. Subdivisions within the sphere of influence of a municipality as defined by LAFCO shall be considered with respect to the subdivision regulations and adopted plans of the municipality as well as the requirements of this title. (Ord. 2731 § 3 (part), 1982).

20.08.040 Coastal zone. Projects subject to provisions of this title located within the coastal zone as defined by the Coastal Act of 1976 may be subject to a coastal development permit pursuant to Marin County Code

Chapters 22.56 and 22.57. Different standards, as set forth in Chapters 22.56 and 22.57, are applicable to projects located in the coastal zone. (Ord. 2731 § 3 (part), 1982).

20.08.045 Tentative and final map required. A tentative and final map shall be required for all subdivisions creating five or more parcels, five or more condominiums, a community apartment project containing five or more parcels, or for the conversion of a dwelling to a stock cooperative containing five or more dwelling units, except where:

(a) The land before division contains less than five acres, each parcel created by the division abuts upon a maintained public street or highway and no dedications or improvements are required by the legislative body; or

(b) Each parcel created by the division has a gross area of twenty acres or more and has an approved access to a maintained public street or highway; or

(c) The land consists of a parcel or parcels of land having approved access to a public street or highway which comprises part of a tract of land zoned for industrial or commercial development, and which has the approval of the governing body as to street alignments and widths; or

(d) Each parcel created by the division has a gross area of not less than forty acres or is not less than a quarter of a quarter section.

A tentative and parcel map shall be required for those subdivisions described in subsections (a), (b), (c) and (d) of this section. (Ord. 2731 § 3 (part), 1982).

20.08.050 Tentative and parcel map required. Except as specifically waived by this title, a tentative and parcel map shall be required for any subdivision for which a final map is not required by the Subdivision Map Act or the provisions of this title. A parcel map shall not be required for subdivisions created by short term leases (terminable by either party on not more than thirty days' notice in writing) of a portion of an operating right-of-way of a railroad corporation, defined as such by Section 230 of the Public Utilities Code, or for land conveyed to a public agency or public utility, or to a subsidiary of a public utility for conveyance to such public utility for rights-of-way; provided, however, that upon a showing made to the planning director based on substantial evidence that public policy necessitates such a map, this exception shall not apply. (Ord. 2731 § 3 (part), 1982).

20.08.055 Parcel map waiver. (a) In any subdivision where a parcel map is required, a written application may be included as part of the tentative map submitted, requesting a waiver of a parcel map for all or part of the proposed subdivision. The written application shall state in detail the basis for the waiver requested. Such a waiver may be granted by the planning director upon specific findings that the proposed subdivision complies with all county requirements as to:

20.08.056-20.08.065 SUBDIVISIONS

- (1) Area;
- (2) Improvement and design;
- (3) Floodwater drainage control
- (4) Appropriate improved public roads;
- (5) Sanitary disposal facilities;
- (6) Water supply availability;
- (7) Environmental protection;
- (8) Adopted countywide and community plan;
- (9) Adequate monumentation so that an engineer or surveyor may readily determine the lot boundaries;
- (10) All other requirements of the Subdivision Map Act and any applicable provisions of this title.

(b) In any case, where the requirement for a parcel map is waived pursuant to the provisions of this section, a tentative map shall still be required. (Ord. 2731 3 (part), 1982.)

20.08.056 Tentative Map Waiver. For any subdivision where a parcel map is required, a written application may be made to the planning director requesting a waiver of the tentative map for all or part of the proposed subdivision. The written application shall state and detail the basis for the waiver requested. Such a waiver may be granted by the planning director upon finding that:

- (a) The proposed subdivision meets all requirements of the State Subdivision Map Act and any applicable provisions of this title.
- (b) The proposed subdivision meets all requirements of Title 22 of the Marin County Code.
- (c) Adequate public notice of the proposed subdivision has been given.
- (d) A parcel map will be required. (Ord. 2798 1, 1983.)

20.08.057 Subdivision Established. A subdivision shall be deemed established for the purposes of this title on the date of recordation of the final or parcel map. (Ord. 2721 3 (part), 1982.)

20.08.060 Lot Line Adjustments. A parcel map shall be required for all lot line adjustments except as provided by Chapter 20.56. (Ord. 2731 3 (part), 1982.)

20.08.063 Mobile Home Park Conversion. At the time of filing a tentative map for the conversion of a mobile home park to another use, the subdivider shall also file a report on the impact of the conversion upon the displaced residents of the mobile home park to be converted. Such report shall meet all of the requirements of Section 66427.4 of the State Subdivision Map Act. (Ord. 2731 3 (part), 1982.)

20.08.065 Merger of Lots. (Ord. 2731, Sect. 3 (part), 1982; Repealed Ord. 2840, August 7, 1984.)

20.08.070 Violations designated. No person shall sell, lease or finance any parcel or parcels of real property or commence construction of any building for sale, lease or financing thereon, except for model homes, or allow occupancy thereof for which a final map or parcel map is required by the state Subdivision Map Act or this title until such map in full compliance with the provisions of the state Subdivision Map Act and this title has been filed for record in the office of the county recorder. Nothing contained in this section shall be deemed to prohibit an offer or contract to sell, lease or finance real property or to construct improvements thereon where such sale, lease or financing, or the commencement of such construction, is expressly conditioned upon the approval and filing of a final subdivision map or parcel map, as required under this title. Conveyances of any part of a division of real property for which a final or parcel map is required by this title shall not be made by parcel or block number, initial or other designation, unless and until such map has been filed for record by the county recorder. (Ord. 2731 § 3 (part), 1982).

20.08.075 Penalties for violations. Any offer to sell or lease, contract to sell or lease or actual sale or lease contrary to the provisions of this title shall be a misdemeanor, and any person, firm, corporation, partnership or copartnership, upon conviction thereof, shall be punishable by a fine of not less than twenty-five dollars and not more than five hundred dollars, or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment, except that nothing contained in this chapter shall bar any legal, equitable, or summary remedy to which the county of Marin or other political subdivision, or any person, firm, corporation, partnership or copartnership may otherwise be entitled. The county of Marin or any other political subdivision, firm, corporation, partnership or copartnership may file a suit in the superior court of the county of Marin to restrain or enjoin any attempted or proposed subdivision or sale in violation of this title. (Ord. 2731 § 3 (part), 1982).

20.08.080 Severability. If any section, subsection, sentence, clause or phrase of this title is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the title. The board of supervisors of the county of Marin declare that it would have passed this title and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional. (Ord. 2731 § 3 (part), 1982).

CHAPTER 20.12

MERGER OF PARCELS

20.12.010	Purpose
20.12.015	Definitions
20.12.020	General
20.12.025	Requirements for Merger on or After January 1, 1984
20.12.030	Effective Date of Merger
20.12.035	Notice of Intent to Determine Status
20.12.040	Request for Hearing
20.12.043	Hearing Body
20.12.044	Procedure for Appeal
20.12.045	Procedure for Hearing
20.12.050	Determination When No Hearing is Requested
20.12.055	Non-Merger
20.12.060	Notice of Non-Merger
20.12.063	Parcels Merged by Operation of Law Prior to January 1, 1984
20.12.065	Procedure for Parcels Merged by Operation of Law Prior to January 1, 1984
20.12.070	Criteria for Unmerger
20.12.072	Conditions for Merger
20.12.074	Noticing Procedure for Mergers not Recorded Prior to January 1, 1987
20.12.075	Application and Determination of Unmerger
20.12.078	Hearing Body
20.12.079	Procedure for Appeal
20.12.080	Notification to the Owner

20.12.010 Purpose. This chapter is enacted for the purpose of amending the existing merger ordinance of the County of Marin (previously Section 20.08.065 of Marin County Code) to bring it into compliance with Section 66451.11 of the California Government Code. The County of Marin had a merger ordinance in existence prior to January 1, 1984.

20.12.015 Definitions. When used in this Chapter the following terms shall have the following meanings:

(a) "Contiguous" means touching or adjoining at more than one point. Property shall be considered contiguous even if it is separated by roads, streets, utility easements or railroad rights-of-way.

(b) "Merged by operation of law" means the merger of parcels by or through the law without any direct action by the County or property owner. As used in this Chapter "merged by operation of law" refers to the merger of parcels pursuant to the provisions of Marin County Code and the State Subdivision Map Act in effect prior to January 1, 1984. (Ord. 2865, Feb. 12, 1985.)

(c) "Merger" means the joining of two or more contiguous parcels or units of improved or unimproved land, which are held by the same owner or owners, into one building site pursuant to this title. Parcels or units may include land division or subdivision lots, assessor's tax parcels, or lots created by deed.

(d) "Minimum parcel size" means the minimum size to permit development under established zoning, subdivision or other County Codes. Minimum size includes lot area required by any applicable slope ordinance or policy.

(e) "Same Owner". Contiguous parcels or units of land are considered to be held by the same owner if one owner holds at least a fractional share in two or more contiguous parcels.

20.12.020 General. Except as provided for in this chapter two or more contiguous parcels or units of land shall not merge by virtue of the fact that such contiguous parcels are held by the same owner if they were created in one of the following manners:

- (a) Pursuant to the provisions of the State Subdivision Map Act.
- (b) Pursuant to Marin County Code, Title 20.
- (c) Pursuant to any prior county ordinance regulating the division of land.
- (d) Or were not subject to such provisions at the time of their creation. If such creation has occurred, no further proceeding under the provisions of this title shall be required to permit sale, lease or financing of such contiguous parcels or units of land.

20.12.025 Requirements for Merger on or after January 1, 1984. When any one of two or more contiguous parcels or units of land, which are held by the same owner or owners, does not conform to the standards for minimum parcel size under the applicable zoning designation, the contiguous parcels shall merge if the following requirements are satisfied:

- (a) At least one of the affected parcels is undeveloped by any structure for which a building permit was issued or for which a building permit was not required at the time of construction, or is developed only with an accessory structure or accessory structures, or is developed with a single structure, other than an accessory structure, that is also partially sited on a contiguous parcel or unit of land.
- (b) With respect to any affected parcel, one or more of the following conditions exist:
 - (1) Comprises less than 5,000 square feet in area at the time of the determination of merger;
 - (2) Was not created in compliance with applicable laws and ordinances in effect at the time of its creation;
 - (3) Does not meet current standards for sewage disposal under Title 18 of Marin County Code;
 - (4) Does not meet current standards for domestic water supply under Title 7 of Marin County Code;
 - (5) Does not meet slope stability standards. A parcel will be deemed to not meet slope stability standards if more than 50% of its gross area is located within slope stability zone 3 or 4 as shown on the maps entitled "Interpretation of the Relative Stability of Upland Slopes" prepared by Theodore C. Smith, Salem Rice and Rudolph Strand on file with the Marin County Planning Department;
 - (6) Has no legal access which is adequate for vehicular and safety equipment access and maneuverability. The standards of access shall be those contained in Title 24 of Marin County Code;
 - (7) Its development would create health or safety hazards;

- (8) Is inconsistent with the Countywide Plan, the Local Coastal Plan or any applicable Community Plan, other than minimum lot size or density standards.

For purposes of determining whether contiguous parcels are held by the same owner, ownership shall be determined as of the date that the Notice of Intent to Determine Status is recorded pursuant to Section 20.12.035.

- (c) Subsection (b) shall not apply if one of the following conditions exist:

(1) On or before July 1, 1981, one or more of the contiguous parcels or units of land is enforceably restricted open-space land pursuant to a contract, agreement, scenic restriction, or open-space easement, as defined and set forth in Section 421 of the Revenue and Taxation Code.

(2) On July 1, 1981, one or more of the contiguous parcels or units of land is timberland as defined in subdivision (f) of Section 51100 of the Government Code, or is land devoted to an agricultural use as defined in subdivision (b) of Section 51201 of the Government Code.

(3) On July 1, 1981, one or more of the contiguous parcels or units of land is located within 2,000 feet of the site in which an existing commercial mineral resource extraction use is being made, whether or not the extraction is being made pursuant to a use permit issued by the County.

(4) On July 1, 1981, one or more of the contiguous parcels or units of land is located within 2,000 of a future commercial mineral extraction site as shown on a plan for which a use permit or other permit authorizing commercial mineral resource extraction has been issued by the County.

(5) Within the coastal zone, as defined in Section 30103 of the Public Resources Code, one or more of the contiguous parcels or units of land has, prior to July 1, 1981, been identified or designated as being of insufficient size to support residential development and where the identification or designation has either (1) been included in the land use plan portion of a local coastal program prepared and adopted pursuant to the California Coastal Act of 1976 (Division 20 of the Public Resources Code), or (2) prior to the adoption of a land use plan, been made by formal action of the California Coastal Commission pursuant to the provisions of the California Coastal Act of 1976 in a coastal development permit decision or in an approved land use plan work program or an approved issue identification on which the preparation of a land use plan pursuant to the provisions of the California Coastal Act is based.

For purposes of subparagraphs (3) and (4) of this subsection, "mineral resource extraction" means gas, oil, hydrocarbon, gravel, or sand extraction, geothermal wells, or other similar commercial mining activity.

20.12.030 Effective Date of Merger. A merger of parcels of units of land becomes effective on the date a Notice of Merger is filed for record with the recorder of the County of Marin. A Notice of Merger shall specify the names of the record owner or owners and shall particularly describe the real property that is the subject of the merger.

20.12.035 Notice of Intent to Determine Status. Prior to recording a Notice of Merger, the planning director shall cause to be mailed by certified mail to then current record owner of the property a Notice of Intention to Determine Status, notifying the owner that the

affected parcels may be merged pursuant to standards specified in Title 20 of Marin County Code, advising the owner of the opportunity to request a hearing on determination of status and to present evidence at the hearing that the property does not meet the criteria for merger. The notice shall also inform the owner or owners that the planning commission or planning director is authorized to make a determination of merger or non-merger in accordance with Marin County Code 20.12.050 based on the information available from county records in the event that a request for hearing is not filed within 30 days pursuant to Marin County Code 20.12.040. The Notice of Intention to Determine Status shall be filed for record with the recorder of the County of Marin on the date that notice is mailed to the property owner.

20.12.040 Request for Hearing. At any time within 30 days after recording of the Notice of Intention to Determine Status, the owner of the affected property may file with the planning director a request for a hearing on determination of status.

20.12.043 Hearing Body. When a property owner files a request for a hearing on determination of status pursuant to Section 20.12.040, the property owner may request that the hearing be conducted before the planning commission or the planning director. When a request for hearing does not specify a hearing body, the planning director shall conduct the public hearing. In any event, where the planning director determines that significant policy questions are at issue, the planning director may refer the determination of merger to the planning commission for action. (Ord. 2865, Feb. 12, 1985.)

20.12.044 Procedure for Appeal. Any person or persons aggrieved by any merger determination or decision taken by the planning director or deputy zoning administrator, may appeal the action to the planning commission. Any appeal shall be made in writing, accompanied by a \$75.00 filing fee, and shall be received in the planning department no later than five (5) working days from the date of determination or decision.

Any determination, decision, or action taken by the planning commission may be appealed in writing to the board of supervisors, accompanied by a \$150.00 filing fee, and shall be received no later than five (5) working days from the date of determination of decision. (Ord. 2916, July 15, 1986.)

20.12.045 Procedure for Hearing.

(a) Upon receiving a request for a hearing on determination of status, pursuant to Marin County Code 20.12.040, the planning director shall fix a time, date, and place for a hearing to be conducted by the planning commission or the planning director, as applicable, and shall so notify the property owner by certified mail.

(b) The hearing shall be conducted not less than sixty (60) days following the planning director's receipt of the property owner's request for hearing, but may be postponed or continued with the mutual consent of the planning director and the property owner. At the hearing, the property owner shall be given the opportunity to present any evidence that the affected property does not meet the standards for merger specified in Title 20 of the Marin County Code. At the conclusion of the hearing, the planning commission or the planning director, as applicable, shall make a determination that the affected parcels are to be merged or are not to be merged and shall so notify the owner of its determination. A determination of merger shall be recorded within thirty (30) days after conclusion of the hearing as provided for in Section 20.12.030. (Ord. 2865, Feb. 12, 1985 : Ord. 2916, July 15, 1986.)

20.12.050 Determination When No Hearing is Requested. If within the 30-day period specified in Section 20.12.040, the owner does not file a request for hearing on determination of status, the planning director may at that time thereafter, make a determination that the affected parcels are to be merged or are not to be merged. A determination of merger shall be recorded as provided for in Section 20.12.030 no later than 90 days following the mailing of notice required by Section 20.12.045.

20.12.055 Non-merger. The planning commission or planning director, as applicable, may make a determination of non-merger whether or not the affected property meets the standards of Sections 20.12.025 or 20.12.070, provided the following findings are affirmatively made:

(a) The parcels were created by a record of survey or parcel or final map in accordance with the provisions of Marin County Code in effect at the time of their creation.

(b) The unmerger and subsequent development of the individual parcels would not be contrary to the public health, safety or welfare. In making this finding, the planning commission or planning director shall consider the factors in Section 20.84.030 (a) through (g) of this title. (Ord. 2865, Feb. 12, 1985.)

20.12.060 Notice of Non-Merger. If, in accordance with Sections 20.12.045, 20.12.050 or 20.12.055, the planning director or planning commission determines that the subject property shall not be merged, it shall cause to be recorded in the manner specified in Section 20.12.030 a Release of the Notice of Intention to Determine Status, recorded pursuant to Section 20.12.035, and shall mail a clearance letter to the then current owner of record.

20.12.063 Parcels Merged by Operation of Law prior to January 1, 1984. Contiguous parcels or units of land, which were held by the same owner or owners prior to January 1, 1984, merged by operation of law if the applicable requirements of Marin County Code and the Subdivision Map Act in effect prior to January 1, 1984, were satisfied. These requirements include but are not limited to:

(a) The parcels did not meet the applicable lot size requirements of Title 22 of Marin County Code, and

(b) One or more of the affected parcels was undeveloped with a building or developed with a building constructed in violation of Marin County Code, and

(c) The parcels were held in contiguous ownership. (Ord. 2865, Feb. 12, 1985)

20.12.065 Procedure for Parcels Merged by Operation of Law Prior to January 1, 1984. In the case of parcels or units of land merged by operation of law prior to January 1, 1984, for which no Notice of Merger was recorded pursuant to Marin County Code and the State Subdivision State Map Act, the following procedure shall apply for County initiated actions:

(a) Except as provided in Marin County Code 20.12.070, the planning director shall no later than January 1, 1986, record a Notice of Merger.

(b) At least thirty (30) days prior to recording a Notice of Merger, the planning director shall advise the owner of the affected parcels, in writing, of the intention to record the notice and specify a time, date and place at which the owner may present evidence to the planning commission or the planning director, as applicable, as to why such notice should not be recorded.

(c) No Notice of Merger shall be recorded if the parcel would be deemed not to have merged pursuant to the criteria specified in Section 20.12.070. (Ord. 2865, Feb. 12, 1985 : Ord. 2916, July 15, 1986.)

20.12.070 Criteria for Unmerger. Any parcels or units of land for which a Notice of Merger had not been recorded on or before January 1, 1984, shall be deemed not to have merged if on January 1, 1984:

(a) The parcel meets each of the following criteria:

- (1) Comprises at least 5,000 square feet in area.
- (2) Was created in compliance with applicable laws and ordinances in effect at the time of its creation.
- (3) Meets current standards for sewage disposal under Title 18 of Marin County Code.
- (4) Meets current standards for domestic water supply under Title 7 of Marin County Code.
- (5) Meets the lot slope density standards of Chapter 22.73 of Marin County Code.
- (6) Has legal access which is adequate for vehicular and safety equipment access and maneuverability. The standards for access shall be those contained in Title 24 of Marin County Code.
- (7) Development of parcel would create no health or safety hazards.
- (8) The parcel would be consistent with the Countywide Plan, the Local Coastal Plan or any applicable community plan, other than a minimum lot size or density standards.

(b) And, with respect to such parcel, none of the following conditions exist:

- (1) On or before July 1, 1981, one or more of the contiguous parcels or units of land is enforceably restricted open-space land pursuant to a contract, agreement, scenic restriction, or open-space easement, as defined and set forth in Section 421 of the Revenue and Taxation Code.
- (2) On July 1, 1981, one or more of the contiguous parcels or units of land is timberland as defined in subdivision (f) of Section 51100 of the Government Code, or is land devoted to an agricultural use as defined in subdivision (b) of Section 51201 of the Government Code.
- (3) On July 1, 1981, one or more of the contiguous parcels or units of land is located within 2,000 feet of the site in which an existing commercial mineral resource extraction use is being made, whether or not the extraction is being made pursuant to a use permit issued by the County.
- (4) On July 1, 1981, one or more of the contiguous parcels or units of land is located within 2,000 of a future commercial mineral extraction site as shown on a plan for which a use permit or other permit authorizing commercial mineral resource extraction has been issued by the County.

(5) Within the coastal zone, as defined in Section 30103 of the Public Resources Code, one or more of the contiguous parcels or units of land has, prior to July 1, 1981, been identified or designated as being of insufficient size to support residential development and where the identification or designation has either:

(A) been included in the land use plan portion of a local coastal program prepared and adopted pursuant to the California Coastal Act of 1976 (Division 20 of the Public Resources Code), or

(B) prior to the adoption of a land use plan, been made by formal action of the California Coastal Commission pursuant to the provisions of the California Coastal Act of 1976 in a coastal development permit decision or in an approved land use plan work program or an approved issue identification on which the preparation of a land use plan pursuant to the provisions of the California Coastal Act is based.

For purposes of paragraphs (3) and (4), "mineral resource extraction" means gas, oil, hydrocarbon, gravel, or sand extraction, geothermal wells, or other similar commercial mining activity.

20.12.072 Conditions for Merger of any parcels or units of land meeting the conditions specified in Section 20.12.070 (b) (1-5) which were merged prior to January 1, 1984 under Marin County Code, but for which a notice of merger had not been recorded prior to January 1, 1988:

If one or more of the merged parcels or units of land is within one of the categories specified in paragraphs 1 through 5 of Subsection (b) of Marin County Code 20.12.070, the parcels or units of land shall be deemed not to have merged unless all of the following conditions exist:

- (a) The parcels or units of land are contiguous and held by the same owner.
- (b) One or more of the contiguous parcels or units of land do not conform to minimum parcel size pursuant to Marin County Code, the Countywide Plan, the Local Coastal Plans, or Community Plan.
- (c) At least one of the affected parcels is undeveloped by any structure for which a building permit was issued or for which a building permit was not required at the time of construction; or is developed only with an accessory structure or accessory structures; or is developed with a single structure other than an accessory structure that is also partially sited on a contiguous parcel or unit.
- (d) The parcels or units which do not conform to minimum parcel size were not created by a recorded parcel or final map.
- (e) If all the conditions described in paragraphs (a), (b), (c), (d) above exist, only a parcel or unit of land which does not conform to minimum parcel size shall remain merged with a contiguous parcel. (Ord. 2916, July 15, 1986.)

20.12.074 Noticing Procedure for Mergers not Recorded Prior to January 1, 1987.

(a) To the owners of parcels or units of land which are or may be subject to the provisions of Marin County Code 12.12.072, a notice shall be sent indicating that said parcels or units of land are located in one or more of the following categories:

(1) On or before July 1, 1981, one or more of the contiguous parcels or units of land is enforceably restricted open-space land pursuant to a contract, agreement, scenic restriction, or open-space easement, as defined and set forth in Section 421 of the Revenue and Taxation Code.

(2) On July 1, 1981, one or more of the contiguous parcels or units of land is timberland as defined in subdivision (f) of Section 51104, is in a timberland production zone as defined in subdivision (g) of Section 51104, or is land devoted to an agricultural use as defined in subdivision (b) of Section 51201.

(3) On July 1, 1981, one or more of the contiguous parcels or units of land is located within 2,000 feet of the site on which an existing commercial mineral resource extraction use is being made, whether or not the extraction is being made, whether or not the extraction is being made pursuant to a use permit issued by the local agency.

(4) On July 1, 1981, one or more of the contiguous parcels or units of land is located within 2,000 feet of a future commercial mineral extraction site as shown on a plan for which a use permit or other permit authorizing commercial mineral resource extraction has been issued by the local agency.

(5) Within the coastal zone, as defined in Section 30103 of the Public Resources Code, one or more of the contiguous parcels or units of land has, prior to July 1, 1981, been identified or designated as being of insufficient size to support residential development and where the identification or designation has either:

(A) been included in the land use plan portion of a local coastal program prepared and adopted pursuant to the California Coastal Act of 1976 (Division 20 of the Public Resources Code), or

(B) prior to the adoption of a land use plan, been made by formal action of the California Coastal Commission pursuant to the provisions of the California Coastal Act of 1976 in a coastal development permit decision or in an approved land use plan work program or an approved issue identification on which the preparation of a land use plan pursuant to the provisions of the California Coastal Act is based.

(b) The provisions contained in Marin County Code 20.12.072, generally applies to parcels or units of land located in one or more of the above described areas which were merged prior to January 1, 1984, and for which the planning director did not record a notice of merger by January 1, 1988; the parcels are deemed unmerged on January 1, 1988, unless all of the following conditions exist:

(1) The parcels or units are contiguous and held by the same owner.

(2) One or more of the contiguous parcels or units do not conform to minimum parcel size under the applicable general plan, specific plan, or zoning ordinance.

(3) At least one of the affected parcels is undeveloped by any structure for which a building permit was issued or for which a building permit was not required at the time of construction, or is developed only with an accessory structure or accessory structures, or is developed with a single structure, other than an accessory structure, that is also partially sited on a contiguous parcel or unit.

(4) The parcels or units which do not conform to minimum parcel size were not created by a recorded parcel or final map. (Ord. 2916, July 15, 1986.)

20.12.075 Application and Determination of Unmerger. Upon application made by the owner and payment of any requested fees, the planning commission or planning director, as applicable, shall make a determination that the affected parcels have merged or, if meeting the criteria of Section 20.12.070 are deemed not to have merged. As part of an owner initiated application for a determination on merger, an owner may request a public hearing. If a public hearing is requested, the planning commission or the planning director, as applicable, shall make the determination on merger. If no public hearing is requested, the planning director shall make the determination on merger. In either event, the planning director shall provide thirty (30) days written notice to the owner of the affected parcels of the date and place of the hearing or decision on the determination of merger. (Ord. 2865, Feb. 12, 1985.)

20.12.078 Hearing Body. When a property owner files an application for determination of merger and requests a public hearing pursuant to Section 20.12.075, the property owner may request that the hearing be conducted before the planning commission or the planning director. When a request for hearing does not specify a hearing body, the planning director shall conduct the public hearing. In any event, where the planning director determines that significant policy questions are at issue, the planning director may refer the determination of merger to the planning commission for action. In all cases where the county initiates merger proceedings pursuant to Section 20.12.065, the planning director shall determine whether the public hearing will be conducted before the planning commission or the planning director. (Ord. 2865, Feb. 12, 1985.)

20.12.079 Procedure for Appeal. Any person or persons aggrieved by any merger determination or decision taken by the planning director or deputy zoning administrator, may appeal the action to the planning commission. Any appeal shall be made in writing, accompanied by a \$75.00 filing fee, and shall be received in the planning department no later than five (5) working days from the date of the determination or decision.

Any determination, decision, or action taken by the planning commission may be appealed in writing to the board of supervisors, accompanied by a \$150.00 filing fee, and shall be received no later than five (5) working days from the date of the determination or decision. (Ord. 2916, July 15, 1986.)

20.12.080 Notification to the Owner. The owner of the affected parcels shall be notified as follows:

(a) Upon a determination that the parcels meet the standards specified in Section 20.12.070, the planning director shall issue to the owner and record with the county recorder a notice of the status of the parcels which shall identify each parcel and declare that the parcels are unmerged pursuant to this Title.

(b) Upon a determination that the parcels have merged and do not meet the criteria specified in Section 20.12.070, the planning director shall issue to the owner and record with the county recorder, a Notice of Merger as provided in Section 20.12.030.

(Chapter 20.12 added by Ord. 2840 Aug. 7, 1984)

Chapter 20.16

DEDICATIONS, RESERVATION EASEMENTS

Sections:

- 20.16.020 Parks and public areas.
- 20.16.040 Offers of dedication.
- 20.16.060 Dedication of land for school purposes.
- 20.16.061 Definitions.
- 20.16.062 Judicial review.
- 20.16.063 Reversion of land—Repurchase.
- 20.16.068 Dedication of land for park and recreational purposes.
- 20.16.070 Requirements.
- 20.16.072 General standard.
- 20.16.074 Formula for dedication of land.
- 20.16.076 Quality requirements for lands to be dedicated.
- 20.16.078 Required improvements for lands to be dedicated.
- 20.16.080 Formula for fees in lieu of land dedication.
- 20.16.082 Criteria for requiring both dedication and fee.
- 20.16.084 Amount of fee in lieu of land dedication.
- 20.16.086 Determination of fair market value.
- 20.16.088 Determination of land or fee.
- 20.16.090 Credit for private open space.
- 20.16.092 Procedure.
- 20.16.094 Disposition of land or fees.
- 20.16.096 Sale of dedicated land.
- 20.16.098 Exceptions.
- 20.16.100 Public access easements.
- 20.16.110 Reservations required.
- 20.16.112 Standards and formula for reservation of land.
- 20.16.114 Procedure for reservation of land.
- 20.16.116 Payment for reserved land.
- 20.16.118 Termination of reservation.

20.16.020 Parks and public areas. The subdivider may be required to provide suitable areas for parks, playgrounds, schools, and other public building sites, as well as such measures as will preserve and enhance the scenic values of Marin County and the conditions making for excellence of residential, commercial, or industrial development. Such provision shall not be construed to be an obligation on the part of the county of Marin to maintain such parks or playground areas. (Ord. 2163 § 1 (part), 1975).

20.16.040 Offers of dedication. As a condition of approval of a final map or parcel map, the subdivider shall dedicate or make an irrevocable offer of dedication of all parcels of land or easements within the subdivision that are needed for streets and alleys, including access rights and abutters' rights, drainage, public utility easements, and other public easements. (Ord. 2163 § 1 (part), 1975).

20.16.060 Dedication of land for school purposes. Any subdivider and/or his successors who have owned the land being subdivided for less than ten years prior to the filing of the tentative map and who, within a period of three years or less, develops or completes the development of a subdivision comprised of a single parcel or contiguous parcels, having more than four hundred dwelling units within a single school district, shall dedicate such land as the governing body of the subdivision deems necessary for the purpose of constructing thereon such elementary schools as are required to assure the residents of the subdivision adequate elementary school service.

Upon acceptance by the planning director of a tentative map for all or a portion of a development which meets the requirements of this section, said map shall be immediately referred to the appropriate school district for review and consultation with the State Office of Local Assistance, where necessary under the State Aid Program. Thereafter, said school district shall, not later than fifteen days prior to the planning commission's presentation of the certified final map to the board of supervisors, file a written report with that board indicating such land as the district deems necessary and suitable to provide adequate elementary school service to the residents of the are proposed to be developed. The board of supervisors' approval of the final map shall include a requirement of the dedication of said land.

The requirement of dedication shall automatically terminate unless the school district makes a binding commitment to the subdivider within thirty days after the requirement is imposed by the board of supervisors agreeing to accept the dedication at any time prior to the construction of the first four hundred dwelling units. Upon acceptance of the dedication, the school district shall repay to the subdivider and/or his successors the costs specified in Section 11525.2 of the California Business and Professions Code. (Ord. 2731 § 4, 1982; Ord. 2163 § 1 (part), 1975).

20.16.061 Definitions. As used in Section 20.16.060, the following terms shall have the following meanings:

"Binding commitment" means any arrangement between the parties which guarantees compensation to the subdivider in accordance with Section 66478 of the California Government Code.

"Necessary land" means that amount of suitable acreage which would be required by the application of California State elementary school site standards.

"Dwelling unit" as used in this section means a place of residence and may be located in either a single or multiple dwelling unit building. (Ord. 2731 § 5, 1982; Ord. 2163 § 1 (part), 1975).

20.16.062 Judicial review. If any person is aggrieved by or fails to agree to the reasonableness of any requirement imposed pursuant to Section 20.16.060, he may bring a special proceeding in the superior court pursuant to Section 66499.37 of the California Business and Professions Code. (Ord. 2163 § 1 (part), 1975).

DEDICATIONS, RESERVATION EASEMENTS 20.16.063-20.16.074

20.16.063 Reversion of land — Repurchase. Should the school district find itself unable to accept the dedication for reasons other than specified in the commitment with the subdivider, the dedicated land shall revert to the subdivider. If the dedication is accepted and the school district within ten years from the date of acceptance offers the property or any substantial part thereof for public sale, the subdivider shall have the first option to repurchase said property for the price paid by the district, plus a sum equal the amount of taxes which would have been paid during the period of public ownership. (Ord. 2163 § 1 (part), 1975).

20.16.068 Dedication of land for park and recreational purposes. Pursuant to the authority granted by Section 66477 of the California Government Code, subdividers shall be required to dedicate land and/or pay in lieu fees for park and recreational facilities in accordance with this chapter and the state Subdivision Map Act. (Ord. 2798 § 3 (part), 1983).

20.16.070 Requirements. As a condition of approval of a final subdivision map or parcel map, the subdivider shall dedicate land, pay a fee in lieu thereof, or both, at the option of the county, for neighborhood and community park or recreational purposes at the time and according to the standards and formula contained in this chapter. In the event park and recreational services are provided by a public agency other than the county, the amount and location of land to be dedicated or fees to be paid shall be jointly determined by the county and such public agency. (Ord. 2798 § 3 (part), 1983).

20.16.072 General standard. It is found and determined that the public interest, convenience, health, welfare, and safety require that three acres of property for each one thousand persons residing within the county be devoted to neighborhood and community park and recreational purposes. (Ord. 2798 § 3 (part), 1983).

20.16.074 Formula for dedication of land. Where a park or recreation facility has been designated in the Marin countywide plan, local coastal plan or any officially adopted community plan, and is to be located in whole or in part within the proposed subdivision, the subdivider shall dedicate land for a local park sufficient in size and topography that bears a reasonable relationship to serve the present and future needs of the future residents of the subdivision. The amount of land to be provided shall be determined pursuant to the following formula:

The formula for determining acreage to be dedicated shall be as follows:

$$\frac{\text{Acres of Parkland}}{\text{Dwelling Unit}} = \frac{.003 \text{ Acres}^*}{\text{Person}} \times \frac{\text{Average No. Persons}}{\text{Dwelling Unit}}$$

(*Based on 3 acres of parkland per 1,000 population)

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The following parkland dedication table has been established pursuant to Section 66477(b) of the California Government Code:

Dwelling Type	Average No. Persons Dwelling Unit	Acres Dwelling Unit	Dwelling Units Acre
Single Family	2.7	.0081	123
Duplexes & Low Density Multifamily	2.2	.0066	151
Medium & High Density Multifamily	1.75	.0052	192

For the purposes of this section, the number of proposed dwelling units shall be determined as follows: In areas zoned for one dwelling unit per lot or parcel, the number of dwelling units shall equal the number of parcels indicated on the tentative map. When all or part of the subdivision is located in an area zoned for multiple dwelling units per parcel, the number of proposed dwelling units in the area so zoned shall equal the maximum number of dwelling units allowed under that zone. For residential condominium projects, the number of dwelling units shall be the number of condominium units on the tentative map. The term "new dwelling unit" does not include dwelling units lawfully in place prior to the date on which the tentative map is approved. (Ord. 2798 § 3 (part), 1983).

20.16.076 Quality requirements for lands to be dedicated. Lands to be dedicated or reserved for park and/or recreational purposes shall be suitable in the opinion of the planning director and the director of parks and recreation in location, topography, environmental characteristics and development potential as related to the intended use. The primary intent of this chapter shall be construed to provide the land for functional recreation units of local or neighborhood service, including but not limited to: tot lots, playlots, playgrounds, neighborhood parks, playfields, community or district parks, and other specialized recreational facilities which may serve the family group and also senior citizen activities. Principal consideration shall be given therefore to lands which offer:

- (a) A variety of recreational potential for all age groups;
- (b) Recreational opportunities within walking distance from residents' homes;
- (c) Possibility for expansion or connection with school grounds;
- (d) Integration with hiking, riding and bicycle trails, natural stream reserves and other open space;
- (e) Coordination with all other park systems;
- (f) Access to at least one existing or proposed public street. (Ord. 2798 § 3 (part), 1983).

20.16.078 Required improvements for lands to be dedicated. On lands to be dedicated pursuant to Section 20.16.074, the subdivider shall provide the following without credit:

(a) Full street improvements and utility connections including, but not limited to curbs, gutters, street paving, traffic-control devices, street trees and sidewalks to land which is dedicated;

(b) Fencing along the property line of that portion of the subdivision contiguous to the dedicated land;

(c) Improved drainage through the site;

(d) Other minimal improvements which the county determines to be essential to the acceptance of the land for recreational purposes. (Ord. 2798 § 3 (part), 1983).

20.16.080 Formula for fees in lieu of land dedication. (a) General Formula. Where there is no park or recreation facility designated in the countywide plan, local coastal plan or any adopted community plan to be located in whole or in part within the proposed subdivision, the subdivider shall, in lieu of dedicating land, pay a fee equal to the value of the land prescribed for dedication in Section 20.16.074, plus twenty percent towards off-site improvements. The amount of the in-lieu fee shall be determined in accordance with the provisions of Section 20.16.084, such fee to be used for a local park which bears a reasonable relationship to serve the present and future residents of the area being subdivided.

(b) Subdivisions of Fifty Parcels or Less. If the proposed subdivision contains fifty parcels or less, the subdivider shall, in lieu of dedicating land, pay a fee equal to the value of the land prescribed for dedication in Section 20.16.074, plus twenty percent towards off-site improvements. The amount in the in-lieu fee shall be determined in accordance with Section 20.16.084. However, nothing in this section shall prohibit the dedication and acceptance of land for park and recreation purposes in subdivisions of fifty parcels or less, where the subdivider proposes such dedication voluntarily and the land is acceptable to the county.

(c) Use of Money. The money collected herein shall be used only for the purpose of acquiring necessary land and developing new or rehabilitating existing park or recreational facilities. (Ord. 2798 § 3 (part), 1983).

20.16.082 Criteria for requiring both dedication and fee. In subdivisions of over fifty parcels, the subdivider shall both dedicate land and pay fee in lieu thereof in accordance with the following:

(a) When only a portion of the land to be subdivided is proposed in the countywide plan, local coastal plan or any adopted community plan as the site for a park or recreation facility, such portion shall be dedicated for local park purposes. Such land to be dedicated shall be subject to the improvement requirements of Section 20.16.078. If additional land would have been required for dedication pursuant to Section 20.16.074, a fee, computed

20.16.084-20.16.086 SUBDIVISIONS

pursuant to Section 20.16.084, shall be paid for the value of any additional land, plus twenty percent toward costs of off-site improvements.

(b) When a major part of the local park or recreation site has already been acquired by the county or any other local agency and only a portion of land is needed from the subdivision to complete the site, such remaining portion shall be dedicated for local park purposes. Additionally, a fee computed pursuant to Section 20.16.084 shall be paid in an amount equal to the value of the land, plus twenty percent toward costs of off-site improvements, which would otherwise have been required to be dedicated pursuant to Section 20.16.074, such fees to be used for the improvement of the existing park and recreation facility, or for the improvement of other local parks and recreation facilities in the area serving the subdivision. (Ord. 2798 § 3 (part), 1983).

20.16.084 Amount of fee in lieu of land dedication. When a fee is to be paid in lieu of land dedication, the amount of such fee shall be based upon the fair market value of land which would otherwise be required for dedication pursuant to Section 20.16.074, plus twenty percent toward costs of off-site improvements. For the purposes of this section, off-site improvements are defined as those improvements which would have been required if land had been dedicated using the provisions of Section 20.16.074.

The in-lieu fee shall be determined by the following formula:

In-lieu Fee =

$$(\text{Proposed Dwelling Units} \times \frac{\text{Acres of Parkland}^*}{\text{Dwelling Unit}} \times \frac{\text{FMV}}{\text{Buildable Acre}}) \times 1.20$$

*From Section 20.16.074.

FMV = Fair Market Value as determined by Section 20.16.086.

Buildable Acre = a typical acre of the subdivision, located in other than an area on which building is excluded because of flooding, easements, excess slope, or other restrictions.

(Ord. 2798 § 3 (part), 1983).

20.16.086 Determination of fair market value. The fair market value shall be determined by the county with a written appraisal report prepared and signed by an appraiser acceptable to the county. The appraisal shall be made immediately prior to the filing of the final map. The subdivider shall notify the county of the expected filing date at least six weeks prior to filing of the final map. If more than one year elapses prior to filing the final map, the county will prepare a new appraisal and will bill the subdivider for the cost of the reappraisal. For the purposes of this chapter, the determination of the fair market value of a buildable acre, as defined in Section 20.16.084, shall consider, but not necessarily be limited to, the following:

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- (a) Approval of and conditions of the tentative subdivision map;
- (b) The countywide plan, applicable local coastal plan or community plan;
- (c) Zoning;
- (d) Property location;
- (e) Off-site improvements facilitating use of the property;
- (f) Site characteristics of the property.

If the subdivider objects to the determined fair market value, he/she may appeal to the board of supervisors, who shall hear the appeal under the same rules and obligations current for local board of equalization hearings, except that the burden of proof shall lie with the subdivider. (Ord. 2798 § 3 (part), 1983).

20.16.088 Determination of land or fee. In determining whether to accept land dedication or to require payment of a fee in lieu thereof, or a combination of both, the board of supervisors shall consult with the planning commission and the parks and recreation commission, provided that the following factors shall be considered:

- (a) The natural features, access, and location of land in the subdivision available for dedication;
- (b) Size and shape of the subdivision and land available for dedication;
- (c) Feasibility of dedication;
- (d) Compatibility of dedication with the countywide plan, local coastal plan or any applicable community plan;
- (e) The location of existing and proposed park sites and trailways.

The determination of the board of supervisors as to whether land shall be dedicated, or whether a fee shall be paid in lieu thereof, or a combination of both, shall be final and conclusive. (Ord. 2798 § 3 (part), 1983).

20.16.090 Credit for private open space. The board of supervisors, after consulting with the planning commission and the parks and recreation commission, may grant credits against land or fees required by this chapter for private open space, provided that the board finds that it is in the public interest to do so and that all of the following standards are met:

(a) That yards, court areas, setbacks, and other open areas required by the zoning and building ordinances and regulations shall not be included in the computation of such private open space; and

(b) The private park and recreation facilities shall be owned by a homeowners' association composed of all property owners in the subdivision and being an incorporated nonprofit organization capable of dissolution only by a one hundred percent affirmative vote of the membership, operated under recorded land agreements through which each lot owner in the neighborhood is automatically a member, and each lot is subject to a charge or a proportionate share of expenses for maintaining the facilities; and

(c) That the use of the private open space is restricted for park and recreation purposes by recorded covenants which run with the land in favor

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of the future owners of property and which cannot be defeated or eliminated without the consent of the county or its successor; and

(d) That the proposed private open space is reasonably adaptable for use for park and recreation purposes, taking into consideration such factors as size, shape, topography, geology, access, and location; and

(e) That facilities proposed for the open space are in substantial accordance with the provisions of the countywide plan, the local coastal plan, or any applicable community plan; and

(f) That the open space for which credit is given is generally a minimum of three acres and provides all of the local park basic elements listed below, or a combination of such and other recreation improvements that will meet the specific recreation park needs of the future residents of the area:

(1) Recreational open spaces, which are generally defined as park areas for active recreation pursuits such as soccer, golf, baseball, softball, and football and have at least one acre of maintained turf with less than five percent slope,

(2) Court areas, which are generally defined as tennis courts, badminton courts, shuffleboard courts, or similar hard-surfaced areas especially designed and exclusively used for court games,

(3) Recreational swimming areas, which are defined generally as fenced areas devoted primarily to swimming, diving, or both, including decks, lawned area, bathhouses, or other facilities developed and used exclusively for swimming and diving and consisting of no less than fifteen square feet of water surface area for each three percent of the population of the subdivision,

(4) Recreation buildings and facilities designed and primarily used for the recreational needs of the residents of the development;

(g) The credit for private open space shall not exceed fifty percent of the required land dedication or payment of fees.

The determination of the board of supervisors as to whether credit shall be given and the amount of credit shall be final and conclusive. (Ord. 2798 § 3 (part), 1983).

20.16.092 Procedure. At the time of approval of the tentative map pursuant to this chapter, the planning director or planning commission shall determine, pursuant to Section 20.16.074, the land required for dedication. At the time of the filing of the final map or parcel map pursuant to this chapter, the subdivider shall:

(a) Dedicate the land as required by the planning director or planning commission; or

(b) Where the board of supervisors determines at the time of final map approval that fees shall be paid in lieu of or in addition to the dedication of land, the board shall set the in-lieu fees based on the land dedication requirements established at the time of tentative map approval. In setting the fees, the board shall use current land values at the time of final map approval, and the formula set forth in Section 20.16.084. The subdivider

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shall pay the required fees prior to recordation of the final or parcel map. (Ord. 2798 § 3 (part), 1983).

20.16.094 Disposition of land or fees. Land or fees required under this chapter shall be conveyed or paid directly to the local public agency which provides park and recreational services on a communitywide level and to the area within which the proposed development will be located, if such agency elects to accept the land or fee. The fees shall be deposited into a subdivision park trust fund, or other similar fund. Moneys in said fund, including accrued interest, shall be expended solely for the acquisition or development of park land or improvements related thereto. The county or other local public agency to which the land or fees are conveyed or paid shall develop a schedule pursuant to Section 66477 of the Government Code specifying how, when, and where it will use the land or fees, or both, to develop park or recreation facilities to serve the residents of the subdivision. Collected fees shall be appropriated by the local agency to which the land or fees are conveyed or paid for a specific project to serve the residents of the subdivision in a budgetary year within five years of receipt of payment, or within five years after issuance of building permits on one-half of the lots created by the subdivision, whichever occurs later. If such fees are not so committed, these fees, less an administrative charge, shall be distributed to the then-record owners of the subdivision lots in the same proportion that the size of their lot bears to the total area of all lots within the subdivision. The county treasurer shall report to the board of supervisors on an annual basis as to the income, expenditures and status of the county subdivision park trust fund. (Ord. 2798 § 3 (part), 1983).

20.16.096 Sale of dedicated land. If during the ensuing times between dedication of land for park purposes and the issuance of building permits circumstances arise which indicate that another site would be more suitable for local park or recreational purposes serving the subdivision and the neighborhood (such as receipt of a gift of additional park land or change in school location), the land may be sold upon the approval of the board of supervisors. The resultant funds shall be used for the purchase of a more suitable site. (Ord. 2798 § 3 (part), 1983).

20.16.098 Exceptions. The following types of subdivisions shall be exempt from the parkland dedication requirements contained in this chapter:

- (a) Subdivisions containing less than five lots or parcels;
- (b) Industrial subdivisions;
- (c) Condominium projects or stock cooperatives which consist of the subdivision of airspace in an existing apartment building which is more than five years old when no new dwelling units are added. (Ord. 2798 § 3 (part), 1983).

20.16.100-20.16.114 SUBDIVISIONS

20.16.100 Public access easements. The subdivider may be required to dedicate easement(s) to provide public access to or along the shorelines of public resources, including a public waterway, river or stream, coastline or shoreline and lake or reservoir or other public lands as specified in Sections 66478.1 through 66478.14 of the California Government Code. (Ord. 2163 § 1 (part), 1975).

20.16.110 Reservations required. As a condition of approval of a map, the subdivider shall reserve sites appropriate in area and location for parks, recreational facilities, fire stations, libraries or other public uses according to the standards and formulae contained in this code. (Ord. 2163 § 1 (part), 1975).

20.16.112 Standards and formula for reservation of land. Where a park, recreational facility, fire station, library, or other public use is shown on an adopted specific plan or adopted general plan containing a community facilities element, recreation and parks element, and/or a public building element, the subdivider may be required by the county to reserve sites as determined by the county in accordance with the definite principles and standards contained in the above specific plan or general plan. The reserved area must be of such size and shape as to permit the balance of the property within which the reservation is located to develop in an orderly and efficient manner. The amount of land to be reserved shall not make development of the remaining land held by the subdivider economically unfeasible. The reserved area shall conform to the adopted specific plan or general plan and shall be in such multiples of streets and parcels as to permit an efficient division of the reserved area in the event that it is not acquired within the prescribed period. (Ord. 2163 § 1 (part), 1975).

20.16.114 Procedure for reservation of land. The public agency for whose benefit an area has been reserved shall at the time of approval of the final map or parcel map enter into a binding agreement with the subdivider to acquire such reserved area within two years after the completion and acceptance of all improvements, unless such period of time is extended by mutual agreement. (Ord. 2163 § 1 (part), 1975).

DESIGN AND IMPROVEMENTS 20.16.116-20.16.118

20.16.116 Payment for reserved land. The purchase price shall be the market value thereof at the time of the filing of the tentative map plus the taxes against such reserved area from the date of the reservation and any other costs incurred by the subdivider in the maintenance of such reserved area, including interest costs incurred on any loan covering such reserved area. (Ord. 2163 § 1 (part), 1975).

20.16.118 Termination of reservation. If the public agency for whose benefit an area has been reserved does not enter into such a binding agreement as specified in Section 20.16.114, the reservation of such area shall automatically terminate. (Ord. 2163 § 1 (part), 1975).

Chapter 20.20

DESIGN AND IMPROVEMENTS

Sections:

- 20.20.020 General.
- 20.20.030 Energy conservation.
- 20.20.040 Improvements required.
- 20.20.050 Supplemental improvements required.
- 20.20.055 Supplemental improvements—Reimbursement agreement—Funding procedures.
- 20.20.060 Water supply.
- 20.20.080 Sewage disposal.
- 20.20.090 Soils reports.
- 20.20.091 Preliminary soils report required.
- 20.20.092 Preliminary soils report form.
- 20.20.093 Preliminary soils report waiver.
- 20.20.094 Final soils report.
- 20.20.095 Final soils report form.
- 20.20.096 Preliminary and final soils reports filing.
- 20.20.097 Geologic investigation and report.
- 20.20.100 Improvement plan requirements.
- 20.20.120 Action on improvement plan.
- 20.20.140 Inspections required.
- 20.20.160 Notification.
- 20.20.180 Inspection fees.
- 20.20.200 Sewerage facilities review and inspection.
- 20.20.220 Improvement agreement.
- 20.20.240 Improvement securities.
- 20.20.260 Improvement security required.
- 20.20.2605 Improvement security waiver.
- 20.20.261 Security release.
- 20.20.280 Monuments general.
- 20.20.281 Permanent monuments.
- 20.20.282 Subdivision staking.
- 20.20.283 Inspection and installation.

20.20.020-20.20.030 SUBDIVISIONS

20.20.020 General. The design and improvement of each subdivision shall comply with the applicable provisions of this title, Title 24, applicable provisions of Chapter 23.09, and shall specifically provide for proper grading and erosion control, including the prevention of sedimentation or damage to off-site property. (Ord. 2710 § 5, 1982; Ord. 2163 § 1 (part), 1975).

20.20.030 Energy conservation. The design of a subdivision for which a tentative and final map are required pursuant to this title shall provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.

For the purposes of this section, "feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.

Examples of passive or natural heating opportunities in subdivision design include design of lot size and configuration to permit orientation of a structure in an east-west alignment for southern exposure. Examples of passive or natural cooling opportunities in subdivision design include design of lot size and configuration to permit orientation of a structure to take advantage of shade or prevailing breezes.

(a) **Solar Access Orientation.** For purposes of solar access, streets, lots and building setbacks shall be designed so that all habitable buildings in the subdivision shall be oriented with their long axis running from east to west with a possible variation of thirty degrees to the southwest and thirty degrees to the southeast.

(b) **Exemptions.** The requirement in subsection (a) of this section shall not apply to specific lots wherever a subdivider can demonstrate that:

(1) Adequate solar access protection can be provided by other building or site design considerations in the development plan/design review stage of the project review process;

(2) It is infeasible to comply where:

a. Topographic conditions on or surrounding the land being subdivided preclude the ability to orient the lots within ± 30 degrees of true south;

b. The configuration or orientation of the property being subdivided precludes the ability to orient the lots within ± 30 degrees of true south;

c. The nature of the existing or allowed future development contiguous to the subject property precludes adequate solar access to specific lots;

d. Existing road patterns contiguous to the subject property preclude the ability to orient lots within ± 30 degrees of true south;

e. Specific adverse environmental impacts on site would occur if the desired orientation were achieved.

(c) **Solar Access Considerations.** In providing for future passive or natural heating or cooling opportunities in the design of a subdivision, consideration shall be given to local climate, to contour, to configuration of the parcel to be divided, and to other design and improvement requirements. Solar access considerations shall not be grounds for reducing allowable density or floor area ratio.

The requirements of this section do not apply to condominium projects which consist of the subdivision of airspace in an existing building when no new structures are added.

(d) Easements and Restrictive Covenants. Where neither lot size, lot configuration or applicable zoning is sufficient to reasonably protect solar access to parcels in a new subdivision, the planning director or planning commission may require the preparation and dedication of solar access easements or restrictive covenants. All solar easements must include, at a minimum, all of the following:

(1) A description of the dimensions of the easement expressed in measurable terms, such as vertical or horizontal angles measured in degrees, or the hours of the day on specified dates during which direct sunlight to a specified surface of a solar collector, device or structural design feature may not be obstructed, or a combination of these descriptions;

(2) The restrictions placed upon vegetation, structures and other objects which would impair or obstruct the passage of sunlight through the easement;

(3) The terms or conditions, if any, under which the easement may be revised or terminated.

The planning department will provide an example of a solar easement and a restrictive covenant for the information of subdivision applicants.

(e) Exemptions. The requirement in subsection (d) of this section shall not apply to specific lots wherever a subdivider can demonstrate that it is infeasible to comply due to:

(1) A finding pursuant to subsection (b)(2) of this section which precludes a subdivider's ability to orient a subdivided lot within thirty degrees of true south;

(2) A finding that the provisions of this section will result in reducing allowable densities due to application of solar access considerations;

(3) A finding that the provisions of this section will result in reducing the floor area ratio.

(4) A finding that compliance cannot be accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.

(f) The burdens and benefits of the solar easement shall be transferable and run with the land to subsequent grantees of the grantor(s) and of the grantee(s).

(g) Applications. Maps submitted with an application for subdivision of property should indicate the approximate location and height of any vegetation or existing structures on the parcel and on adjacent parcels which might affect solar access to the site or sites proposed for development. Applicant should indicate how many of the housing units in the proposed subdivision have the potential for full south wall solar access. The applicant should also provide any other information pertinent to solar access agreed upon in conference with the project planner. (Ord. 2738 § 1, 1982; Ord. 2731 § 7, 1982).

20.20.040-20.20.060 SUBDIVISIONS

20.20.040 Improvements required. The subdivider shall construct or cause to be constructed all improvements required by this title, Title 24, and any improvements shown on the approved tentative map and any improvements required as a condition of approval of a tentative map. (Ord. 2163 § 1 (part), 1975).

20.20.050 Supplemental improvements required. The subdivider may be required to install improvements for the benefit of the subdivision which may contain supplemental size, capacity, or number for the benefit of property not within the subdivision as a condition precedent to the approval of a final or parcel map, and thereafter to dedicate such improvements to the public.

In the event that such supplemental facilities are deemed necessary, an agreement shall be entered into with the subdivider providing for reimbursement for that portion of the cost of such improvements which shall be equal to the difference between the amount it would have cost the subdivider to install such improvements to serve the subdivision only and the actual costs of such improvements, in accordance with the provisions of Government Code Section 66485 et seq. (Ord. 2163 § 1 (part), 1975).

20.20.055 Supplemental improvements - Reimbursement agreement - Funding procedures. (a) No charge, area of benefit or local benefit district shall be established unless and until a public hearing is held thereon by the planning commission and the board of supervisors finds that the fee or charge and the area of benefit or local benefit district is reasonably related to the cost of such supplemental improvements and the actual ultimate beneficiaries thereof.

(b) In addition to the notice required by Section 20.32.080, written notice of the hearing shall be given to the subdivider, to those who own property within the proposed area of benefit as shown on the latest equalized assessment role, and the potential users of the supplemental improvements insofar as they can be ascertained at the time. Such notices shall be mailed at least ten days prior to the date established for hearing. (Ord. 2163 § 1 (part), 1975).

20.20.060 Water supply. (a) Provisions shall be made for such domestic water supply as may be necessary to protect public health, including water service to each lot and fire protection facilities. Such water may be supplied by:

- (1) Connection to a public utility;

(2) Establishment of a mutual water system, except as provided in Section 7.28.025

(3) Wells, springs or other sources of water.

(b) Where water is to be supplied by connection to a public utility, the subdivider shall install such improvements and facilities as are required by both the utility and the fire chief having jurisdiction.

(c) Where water is to be supplied by a mutual water company, the subdivider shall submit sufficient evidence substantiated by adequate tests and/or engineering data as to the quantity, quality and safety of the proposed water supply. Following approval by the proper health authorities, the subdivider shall install an adequate and safe system which will provide for water connections for each lot and for fire protection as approved by the proper health authorities and the fire chief having jurisdiction.

(d) Where water is to be supplied by wells, springs or other sources of water, the purchasers of the properties shall be made aware of this in writing and the subdivider shall submit sufficient evidence substantiated by adequate tests and/or engineering data to assure that adequate water can be obtained from wells and springs and certified by professional engineer or geologist for each lot and for fire protection as approved by the county health officer and the fire chief having jurisdiction. (Ord. 2343 § 3, 1978; Ord. 2163 § 1 (part), 1975).

20.20.080 Sewage disposal. (a) Provisions shall be made for adequate sewage disposal by:

(1) Connection to a sanitary sewer where available;

(2) Individual waste disposal system or community disposal system.

(b) Where sewage is to be disposed of by a sanitary sewer, the subdivider shall install such improvements and facilities as are required by the governing board of the sewer system.

(c) Where sewage is to be disposed of by an individual waste disposal system, the subdivider shall submit sufficient evidence to the health officer as to the ability of the lots to accommodate such a system.

(d) Where sewage is to be disposed of by a community waste disposal system, the subdivider shall submit detailed plans to the health officer. In addition, intention to use a community disposal system shall be filed with the appropriate State of California Regional Water Quality Control Board. The subdivider shall install such community waste disposal system, including providing for future maintenance, following reply from the State of California Regional Water Quality Control Board and approval by the health officer. (Ord. 2163 § 1 (part), 1975).

20.20.090 Soils reports. Soils reports shall be required as specified within this chapter. (Ord. 2163 § 1 (part), 1975).

20.20.091 Preliminary soils report required. A preliminary soils report based upon adequate test borings and prepared by a civil engineer registered

20.20.092-20.20.095 SUBDIVISIONS

in this state shall be required for every subdivision requiring a final map. If it is determined that a potential soils problem or soils related hazard exists, such a preliminary soils report may be required for a subdivision requiring a parcel map. (Ord. 2163 § 1 (part), 1975).

20.20.092 Preliminary soils report form. A preliminary soils report may be divided into two segments.

(a) **Soils Reconnaissance.** The first segment of the preliminary soils report is a soils reconnaissance. The reconnaissance shall include but not be limited to a complete description of the site based on a field investigation as related to soils matters such as stability, erosion, settlement, feasibility of construction of the proposed improvements, description of soils related hazards and problems and proposed methods of eliminating or reducing such hazards and problems.

(b) **Detailed Soils Investigation and Report.** The second segment of the preliminary soils report is a detailed soils investigation and report. This investigation and report shall include field investigation and laboratory tests with detailed information and recommendations relative to all aspects of grading, filling and other earthwork, foundation design, pavement design and subsurface drainage. The report shall also recommend any required corrective action for the purpose of preventing structural damages to the subdivision improvements and the structures to be constructed on the lots and, in addition, shall also recommend any special precautions required for erosion control and the prevention of sedimentation or damage to off-site property. If such preliminary soils report indicates the presence of critically expansive soils or other soils problems which, if not corrected, would lead to structural defects, a soils investigation of each lot in the subdivision may be required and submitted to the department of public works prior to approval of a final map or parcel map. (Ord. 2163 § 1 (part), 1975).

20.20.093 Preliminary soils report waiver. The preliminary soils report may be waived if the director of public works or his authorized representative determines that, due to the knowledge he has as to the qualities of the soils of the subdivision, no preliminary analysis is necessary. (Ord. 2163 § 1 (part), 1975).

20.20.094 Final soils report. A final soils report, prepared by a civil engineer registered in this state, shall be required where a preliminary soils report was required unless such final report is waived by the director of public works or his authorized representative. (Ord. 2163 § 1 (part), 1975).

20.20.095 Final soils report form. The final soils report shall contain sufficient information to insure compliance with all recommendations of the preliminary soils report and the specifications for the project. The report shall also contain information relative to soils conditions encountered which differed from that described in the preliminary soils reports, along with any corrections, additions or modifications not shown on the approved plans. (Ord. 2163 § 1 (part), 1975).

20.20.096 Preliminary and final soils reports filing. Where a preliminary soils report is required, two copies of the soils reconnaissance shall be filed with the tentative map. Two copies of the detailed soils investigation and report shall be filed with the improvement plans. One copy of the final soils report shall be filed with the department of public works prior to preliminary acknowledgment of completion of the improvements. (Ord. 2163 § 1 (part), 1975).

20.20.097 Geologic investigation and report. If conditions warrant, a geologic investigation and report may also be required. (Ord. 2163 § 1 (part), 1975).

20.20.100 Improvement plan requirements. After approval of a tentative map, before commencement of any construction work, and before filing a final map, or parcel map, the subdivider shall submit to the department of public works three complete copies of an improvement plan as specified in Marin County Code Title 24, unless such plan requirement is waived. (Ord. 2163 § 1 (part), 1975).

20.20.120 Action on improvement plan. (a) The director of public works shall inspect the improvement plan for compliance with the provisions of this title, Title 24, standard engineering practices, and any other requirements of the county, and shall forward one copy of the improvement plan to the planning director. Prior to approval of the improvement plan, the director of public works shall secure from the proper authority written approval of plans and specifications for sewer lines and sewage disposal systems, and further shall ascertain that no deviation from the conditions of approval of the tentative map has been made, and further, that the final landscaping plan has been approved. Within fifteen working days after receipt of the improvement plan, the director of public works shall approve or disapprove same. Such action shall be confirmed in writing.

(b) The planning director shall approve, with or without conditions, or disapprove the final landscape plans. Such action shall be taken within ten working days after receipt of the improvement plan by the director of public works, and it shall be confirmed in writing. (Ord. 2163 § 1 (part), 1975).

20.20.140 Inspections required. The director of public works shall make such inspections as he deems necessary to insure that all construction is in accordance with the approved improvement plan, and in no case shall such inspections be less than:

(a) Road Subgrade. An inspection of the subgrade prior to placing the rockbase;

(b) Road Base. An inspection of the road base prior to placing of surfacing;

(c) Concrete Forms. The inspection of concrete forms;

(d) Concrete. The inspection of the pouring of any concrete;

(e) General. All other structures, facilities, utilities, improvements, grading and filling to be inspected on a schedule approved by the director of public works;

(f) Final. A final inspection upon completion of all improvements. (Ord. 2163 § 1 (part), 1975).

20.20.160 Notification. The subdivider shall notify the director of public works or his representative upon the completion of each stage of construction as outlined in this chapter, and he shall not proceed with further construction until he has received authorization from the director of public works or his authorized representative. (Ord. 2163 § 1 (part), 1975).

20.20.180 Inspection fees. Prior to recordation of the final map, the subdivider shall deposit with the director of public works the inspection fee determined by the director of public works to cover the cost of inspection of required improvements other than utility facilities. (Ord. 2163 § 1 (part), 1975).

20.20.200 Sewerage facilities review and inspection. Where adequate review and inspection is not provided by other agencies, sewerage facilities and structures shall be reviewed and inspected by the health officer or his authorized agent. Costs of review and inspection of sewerage facilities incurred by the health officer or his authorized agent or engineering consultant shall be paid by the subdivider. (Ord. 2163 § 1 (part), 1975).

20.20.220 Improvement agreement. If the improvement work required under this chapter is not completed satisfactorily before the final map or parcel map is filed, the owner or owners of the subdivision shall, concurrently with the approval of such map, enter into an agreement with the board of supervisors, agreeing to have the work completed within the time specified in said agreement, and specifying that should such work not be satisfactorily completed within the time limit, the county of Marin may complete or have completed all specified improvements and recover the cost thereof from the subdivider. Said agreement shall provide that prior to occupancy of any structure within the subdivision, the required improvements shall be completed to the degree as determined by the director of public works or his authorized representative which in his judgment render the subdivision or portion thereof safe to occupy. Said agreement may provide for the improvements to be installed in units, for extensions of time under specific conditions, or for the termination of the agreement upon a reversion of the subdivision or a part thereof to acreage. Such agreement shall be secured by a good and sufficient improvement security, which improvement security shall be in an amount to cover the estimated cost of improvement. (Ord. 2303 § 5, 1977; Ord. 2163 § 1 (part), 1975).

20.20.240 Improvement securities. The improvement security shall be one of the following:

- (a) Bond or bonds by one or more duly authorized corporate sureties;
- (b) A deposit, either with the local agency or a responsible escrow agent or trust company, at the option of the local agency, of money or negotiable bonds of the kind approved for securing deposits of public moneys;
- (c) An instrument of credit from one or more financial institutions subject to regulation by the state or federal government and pledging that the funds necessary to carry out the act or agreement are on deposit and guaranteed for payment, or a letter of credit issued by such a financial institution.
- (d) A lien upon the property to be divided, created by contract between the owner and county, if the county finds that it would not be in the public interest to require the installation of the required improvement sooner than two years after the recordation of the map. Any written contract or security interest in real property entered into as security for performance pursuant to this section shall be recorded with the county recorder. From the time of recordation of the written contract or document creating a security interest, a lien shall attach to the real property particularly described therein and shall have the priority of a judgement lien in an amount necessary to complete the agreed to improvements. The recorder contract or security document shall be indexed in the grantor index to the names of all record owners of the real property as specified on the map and in the grantee index to the county. (Ord. 2731 § 8, 1982; Ord. 2406 § 4, 1979; Ord. 2163 § 1 (part), 1975).

20.20.260 Improvement security required. The following improvement securities are required as specified in this chapter.

- (a) **Faithful Performance.** A security in the amount of one hundred percent of the total estimated cost of the improvement or of the act to be performed, conditioned on the faithful performance of the act or agreement;
- (b) **Labor and Materials.** A security in the amount of one hundred percent of the total estimated cost of the improvements or of the act securing payment to the contractor, his subcontractors, and persons furnishing labor, materials or equipment;
- (c) **Maintenance.** A security in the amount of ten percent of the total estimated cost of the improvements or of the act to be performed or one thousand dollars, whichever is greater, to serve as a guarantee and warranty of the work for a period of one year following completion thereof against any defective work or labor done or defective materials furnished;
- (d) **Monuments.** A security in the amount of one hundred percent of the total estimated cost of setting monuments guaranteeing the cost of setting such monuments. (Ord. 2303 § 6, 1977; Ord. 2163 § 1 (part), 1975).

20.20.2605–20.20.282 SUBDIVISIONS

20.20.2605 Improvement security waiver. For subdivisions of four lots or less, the requirement of a labor and materials bond and a maintenance bond, specified in Section 20.20.260(b) and (c) respectively, shall not be required where the required improvements will not be accepted for maintenance by the county. (Ord. 2163 § 1 (part), 1975).

20.20.261 Security release. The securities specified in Section 20.20.260(a) and (b) shall be released by the director of public works or his authorized representative at such time as he acknowledges completion of the improvements and commencement of the one-year maintenance period; providing the security specified in Section 20.20.260(c) has been furnished. The security specified in Section 20.20.260(c) shall be released by the director of public works or his authorized representative following satisfactory completion of the maintenance period and correction of all deficiencies. The security specified in Section 20.20.260(d) shall be released by the director of public works or his authorized representative following receipt of a letter from the engineer or surveyor that all monuments have been set and that he has been paid for setting the monuments. If this security is a cash deposit, payment to the engineer or surveyor may be made from the deposit if so requested by the depositor. No partial release of any security shall be permitted. (Ord. 2163 § 1 (part), 1975).

20.20.280 Monuments general. At the time of making the survey for the final map or parcel map, the engineer or surveyor shall set sufficient durable monuments to conform with the standards described in Section 8771 of the Business and Professions Code so that another engineer or surveyor may readily retrace the survey unless such survey is waived by the county surveyor as provided in this chapter. (Ord. 2163 § 1 (part), 1975).

20.20.281 Permanent monuments. Permanent monuments shall be constructed in accordance with the "Uniform Construction Standards." At least two permanent monuments shall be set in each block. They shall be within sight of each other and readily accessible in the street area. These monuments may be either on the street centerline or on a line parallel to and offset from the center properly shown and dimensioned on the final map or parcel map. The requirement for permanent monuments may be waived for subdivisions of four lots or less when, due to the size or configuration of the lots, this requirement would be impractical. (Ord. 2163 § 1 (part), 1975).

20.20.282 Subdivision staking. In making the survey, the engineer or surveyor shall stake all of the following points where a survey stake does not presently exist: all corners and angle points in the exterior boundary of the subdivision, all angle points and curve points in the right-of-way lines of all streets and easements or lands to be dedicated for public use, and all lot corners.

The county surveyor may waive the requirement of staking all corner and angle points in the exterior boundary of a subdivision of four or more lots if conditions, in the opinion of the county surveyor, warrant such a waiver; providing that at least one exterior boundary line of the land being subdivided is adequately monumented or referenced before the map is recorded.

Stakes at all corners and angle points in the exterior boundary of the subdivision shall be not less substantial than three-fourths-inch iron pipe eighteen inches long, driven flush with the ground. Stakes at all other points shall be not less substantial than two-inch by two-inch redwood hubs eight inches long, driven flush with the ground. All stakes shall be marked with a metal tack and tag showing the actual point and the registration number of the engineer or surveyor. Staking of subdivisions for which a parcel map is required shall conform to this section with respect to corners and angle points in the exterior boundary. The other staking requirements of this section may be waived in total or in part as modified by the county surveyor. Staking of subdivisions of four or less parcels may be limited to staking of all new lines created by the division and at all angle points and curve points in the right-of-way lines of all streets if, in the opinion of the county surveyor, sufficient monumentation exists to adequately establish the location of the lots. Staking of the remainder, defined as the largest parcel having a gross area of five acres or more for subdivisions for which a parcel map is required, may be omitted. (Ord. 2303 § 7, 1977: Ord. 2163 § 1 (part), 1975).

20.20.283 Inspection and installation. All monuments shall be subject to the inspection and approval of the county surveyor or his authorized representative, and, for a subdivision requiring a final map, shall be either installed prior to recording of the final map or included as part of the work to be completed under the agreement and improvement security required in

this title when so noted on the final map; except that all monuments necessary to establish the exterior boundary of a subdivision shall be set or referenced prior to recordation of the final map. (Ord. 2163 § 1 (part), 1975).

Chapter 20.24

TENTATIVE MAP-DATA AND FORM

Sections:

- 20.24.020 Size and scale.
- 20.24.040 Information.
- 20.24.060 Additional data.
- 20.24.080 Conformance with requirements.
- 20.24.100 Reduction of requirements.

20.24.020 Size and scale. Tentative maps shall be prepared by a registered civil engineer or licensed land surveyor and shall be drawn to a size and scale to clearly show the details of the plan (preferably one inch equals one hundred feet). Tentative maps shall be signed by the civil engineer or licensed land surveyor. (Ord. 2731 § 9, 1982; Ord. 2163 § 1 (part), 1975).

20.24.040 Information. Every tentative map shall be clearly and legibly reproduced and shall contain the following information:

(a) **Site Sketch.** A site sketch indicating the location of the proposed subdivision in relation to the surrounding area or region;

(b) **Title.** The tract name, date, north point, scale and sufficient boundaries to define the proposed tract;

(c) **Names and Addresses.** Name, address and telephone number of record owner, subdivider, engineer, or surveyor;

(d) **Adjacent Streets.** Location, names, present width and grades of adjacent or abutting roads, streets, highways and ways;

(e) **Streets.** The location, names, widths and approximate grades of all roads, streets, highways, ways and rights-of-way presently in the proposed subdivision, or to be offered for dedication;

(f) **Preliminary conceptual grading plans** showing existing and proposed grades, the extent of cut and fill, and slope angle of all banks. Preliminary grading plans may be based on a photogrammetric survey to a scale not less than one inch equals one hundred feet. Contour lines of existing grades shall have the following maximum intervals:

(1) Ten-foot contour interval for ground slope over fifteen percent,

(2) Five-foot contour interval for ground slope below fifteen percent;

(g) **Inundated Areas.** Approximate location of all areas subject to inundation or storm water overflow and the location, width, and direction of flow of all watercourses including tide waters;

(h) **Easements.** The approximate width and location of all easements for drainage, sewerage, and public utilities;

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(i) Lots. The approximate area and dimension of all lots, and radii of all curves;

(j) Structures. The location of all existing structures with an indication whether they are to remain on the property or be removed;

(k) Cross Sections. Typical cross sections and proposed grades of all streets, and details of curbs, gutters, sidewalks and other improvements shall accompany the tentative map and shall be of such scale as to show clearly all details thereof. In lieu of such cross sections and other improvement details, reference may be made to the appropriate sections of Title 24 or of the "Uniform Construction Standards" of the cities of Marin and county of Marin adopted by board of supervisors Resolution 70-16. (Ord. 2163 § 1 (part), 1975).

20.24.060 Additional data. Information on the following matters shall be either on the tentative map or contained in a written statement accompanying the same:

(a) Drainage. Proposed drainage and/or flood-control measures;

(b) Water Supply. Detailed information on the proposed water supply indicating that provisions of Section 20.20.060 can be complied with;

(c) Sewage Disposal. Detailed information on proposed sewage disposal facilities indicating that provisions of Section 20.20.080 can be complied with;

(d) Public Utilities. Other public utilities;

(e) Use. Existing uses of property;

(f) Proposed Uses. Proposed uses of property;

(g) Public Areas. Public areas proposed;

(h) Exceptions. Justifications and reasons for any exceptions to provisions of this title. (Ord. 2163 § 1 (part), 1975).

20.24.080 Conformance with requirements. Tentative maps shall comply with all requirements of this title and Title 24. (Ord. 2163 § 1 (part), 1975).

20.24.100 Reduction of requirements. The requirements of Section 20.24.040 and 20.24.060 may be reduced, modified, or eliminated as applicable for subdivisions requiring parcel maps, providing sufficient material is included to evaluate the proposed subdivision as determined by the planning director. (Ord. 2163 § 1 (part), 1975).

Chapter 20.28

TENTATIVE MAP-FILING WHERE FINAL MAP REQUIRED

Sections:

- 20.28.020 Filing required.
- 20.28.040 Filing fee.
- 20.28.060 Acceptance as complete.
- 20.28.060 Filing receipt.

20.28.020 Filing required. Twelve prints of a tentative map shall be filed with the planning commission for any subdivision where a final map is required. (Ord. 2731 § 10 (part), 1982; Ord. 2163 § 1 (part), 1975).

20.28.040 Filing fee. (a) The subdivider shall at the time of filing a tentative map pay a filing fee in the amount designated in the resolution of the board of supervisors establishing fees for subdivisions. If additional tentative maps covering the same tract or revisions of the initial map are filed, no additional fee need be paid, but, if land other than or in addition to that shown on the initial map is shown on the tentative map, or the time for filing a final map has expired, or the original map was formally denied, such map shall be considered as a map of a new subdivision, and fees shall be charged as provided in this chapter.

(b) The subdivider shall, at the time of filing an application for the extension of an approved tentative map, pay a fee in the amount designated in the resolution of the board of supervisors establishing fees for subdivisions.

(c) The subdivider shall, at the time of filing an application for a revision of an approved tentative map, pay a fee in the amount designated in the resolution of the board of supervisors establishing fees for subdivisions. (Ord. 2731 § 10 (part), 1982; Ord. 2163 § 1 (part), 1975).

20.28.060 Acceptance as complete. The time of acceptance of a tentative subdivision map application shall be construed to be the time at which the application is accepted as complete by the planning director. The planning director shall not accept a tentative subdivision map application as complete unless the application is in full compliance with the provisions of this title as to form and as to the data and information required to be shown thereon or furnished therewith. Not later than thirty calendar days after receipt of an application for a tentative map, the planning director shall inform the applicant, in writing, whether such application is complete. In the event that the application is determined not complete, the planning director shall specify those parts of the application that are incomplete and the manner in which they can be made complete. (Ord. 2731 § 10 (part), 1982; Ord. 2163 § 1 (part), 1975).

20.28.080-20.32.040 SUBDIVISIONS

20.28.080 Filing receipt. Upon receiving an application for a tentative map, the planning director shall give a receipt for the map, accompanying data, and filing fee. Such receipt shall not preclude the securing of additional information from the subdivider necessary for the proper consideration of the tentative map, nor does it insure that the map does comply with the law, and with this title. If, after a receipt is issued, it is determined that the map and attachments do not comply with the provisions of the Subdivision Map Act and this title, a notice of incompleteness shall be transmitted in a timely manner to the person or entity who filed, and he shall be allowed to submit additional information to complete the application. (Ord. 2731 § 10 (part), 1982; Ord. 2163 § 1 (part), 1975).

Chapter 20.32

ACTION ON TENTATIVE MAP WHERE FINAL MAP REQUIRED

Sections:

- 20.32.020 Recommendations.
- 20.32.040 Water and sewer recommendations.
- 20.32.060 Requests by other agencies.
- 20.32.070 Transmittal to school districts.
- 20.32.090 Public notice.
- 20.32.100 Action on tentative map.
- 20.32.105 Staff reports.
- 20.32.110 Required findings.
- 20.32.115 Applicable ordinances.

20.32.020 Recommendations. The planning director shall, within three days after the receipt of a tentative map application, transmit a copy thereof to the director of public works or his authorized representative or other such person as may be designated by the board of supervisors, who shall check the improvements as contemplated for compliance with the provisions of this title and the location and sizes of easements required, and shall, within ten days after receipt of such maps, return them to the planning department with a report attached, indicating wherein said map fails to conform to this title or to standards of construction which now are or which may be adopted by the county, together with a statement of changes that are necessary to make the proposed improvements acceptable, including any typical drawings and specifications adopted as standard for the county. The recommendations as submitted shall then become a condition of approval. (Ord. 2731 § 11, 1982; Ord. 2163 § 1 (part), 1975).

20.32.040 Water and sewer recommendations. If the tentative map shows sewage disposal by any means other than a public sewer system, or water supply by means other than a public facility, then the planning director shall, within three days after the filing of the tentative map,

transmit a copy thereof to the county health officer. The county health officer shall, within ten days, submit a report to the planning director indicating whether the proposed method of sewage disposal or water supply does or does not create a health hazard. If it would create a health hazard, then an alternate system may be recommended, and said recommendation must be included as a condition of approval by the planning director. If no satisfactory method of sewage disposal or water supply is presented, then the tentative map shall be disapproved.

If the tentative map shows sewage disposal by a public sewer system or water by means of a public water system, then the planning director shall, within three days after the filing of the tentative map, transmit a copy thereof to the appropriate water or sewer agency. The agency shall, within ten days, submit a report to the planning director showing their ability to serve the proposed subdivision.

The planning director shall, within three days after the filing of the tentative map, transmit a copy thereof to the appropriate fire chief. The fire chief or his authorized representative shall, within ten days, submit a report to the planning director containing any recommendations for fire protection for the proposed subdivision. (Ord. 2362 § 1 (part), 1978; Ord. 2163 § 1 (part), 1975).

20.32.060 Requests by other agencies. The planning director shall also, within three days, forward copies of the tentative map to the city, county and state officials requesting the same, who may make recommendations with respect to the subdivision within ten days after receipt thereof. (Ord. 2362 § 1 (part), 1978; Ord. 2163 § 1 (part), 1975).

20.32.070 Transmittal to school districts. Within ten days of the filing of a tentative map, the planning director shall send a notice of the filing of the tentative map to the governing board of any elementary, high school or unified school district within the boundaries of which the subdivision is proposed to be located. Such notice shall contain the location of the subdivision, the number of units, density and any other information which would be relevant to the affected school district. The governing board of the school district may comment on the proposed subdivision within twenty working days of the date on which the notice was mailed pursuant to Section 66455.7 of the Government Code. Failure of any such school district to comment within the twenty-day period shall be deemed to recommend approval without comment on the proposed subdivision. (Ord. 2303 § 8, 1977).

20.32.090 Public notice. Notice of an application for a tentative map shall be given by the mailing of notice to all persons shown on the last equalized assessment roll as owning real property within three hundred feet of the property which is the subject of the application. Such notice shall be mailed at least ten calendar days prior to the date of public hearing or

20.32.100-2.32.105 SUBDIVISIONS

decision on the tentative map. The notice shall contain a general description of the proposed subdivision, including its location, and shall include the date and place of the hearing and/or decision on the application. Whenever a public hearing is held on an application for tentative map, notice of such hearing, including the time and place, shall be given ten days prior to the hearing by publication once in a newspaper of general circulation. (Ord. 2731 § 12, 1982).

20.32.100 Action on tentative map. The planning director shall act on all tentative map applications as set forth herein; except where the planning director finds that major policy questions are at issue, the director may refer the tentative map to the planning commission for action. The planning director or planning commission shall approve, conditionally approve, or disapprove the tentative map not later than fifty days after the map is accepted as complete pursuant to Section 20.28.060 unless the subdivider or his agent agrees to a later date, or an environmental impact report is prepared for the tentative map. The action by the planning director or planning commission shall be endorsed on the face of the tentative map. In approving or conditionally approving a tentative map, the planning director or planning commission shall consider all of the required findings as specified in Section 20.32.110. In the event that the tentative map is disapproved, the reasons for such disapproval shall be stated in clear and concise terms upon a memorandum permanently attached to the map, together with a clear and concise statement of what changes will render the map acceptable. One copy shall remain permanently in the files of the planning director. If no action is taken by the planning director or planning commission within said fifty days or such longer period as may have been agreed upon the tentative map shall be deemed approved as submitted, subject to the code requirements of this title and Title 24, and it shall be so attested by the planning director; provided, however, that the fifty days' time limit may be difficult or impossible to be met if any required environmental impact report or negative declaration is required pursuant to the California Environmental Quality Act, in which case the subdivider and the county may, pursuant to Government Code Section 66451.1, agree, in writing, to extend the time limits specified for reporting and acting on maps for a period of up to eight months beyond the last time limit so specified. In any case, if an environmental impact report is prepared for the tentative map, the fifty-day period specified in this section shall not be applicable and the planning director or planning commission shall act on the tentative map within forty-five days after certification of the environmental impact report. (Ord. 2731 § 13, 1982; Ord. 2409 § 3, 1979; Ord. 2362 § 1 (part), 1978; Ord. 2163 § 1 (part), 1975).

20.32.105 Staff reports. Where a tentative map application is referred to the planning commission for action, any staff report or recommendation on the tentative map prepared by the planning department shall be in writing

ACTION ON TENTATIVE MAP 20.32.110-20.32.115

and a copy thereof sent to the subdivider at least three days prior to any hearing on such application by the planning commission. (Ord. 2731 § 14, 1982).

20.32.110 Required findings. The map shall be denied for any of the following:

(a) The proposed map is not consistent with applicable general and specific plans.

(b) The design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.

(c) The site is not physically suitable for the type of development.

(d) The site is not physically suitable for the proposed density of development.

(e) The design of the subdivision or the proposed improvement is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

(f) The design of the subdivision or the type of improvement is likely to cause serious public health problems.

(g) The design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements for access or for use will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction, and no authority is granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivisions. (Ord. 2163 § 1 (part), 1975).

20.32.115 Applicable ordinances. In determining whether to approve or disapprove an application for a tentative map, the planning director or planning commission shall apply only those ordinances, policies, and standards in effect on the date the application was accepted as complete pursuant to Section 20.28.060. However, if the planning commission or board of supervisors has formally initiated proceedings by way of ordinance or resolution in accord with the procedures for publication of ordinances, to amend applicable general or specific plans, or zoning or subdivision ordinances before the application is accepted as complete, the planning director or planning commission may apply any ordinances, policies, or standards enacted as a result of those proceedings which are in effect on the date the tentative map application is approved or disapproved. If the subdivision applicant requests changes in applicable ordinances, policies or standards in connection with the tentative map application, any ordinances, policies or standards adopted pursuant to the applicant's request shall apply. (Ord. 2798 § 7, 1983).

20.34.020-20.34.080 SUBDIVISIONS

Chapter 20.34

TENTATIVE MAP EXPIRATION AND EXTENSIONS

Sections:

- 20.34.020 Expiration.
- 20.34.040 Extensions.
- 20.34.060 Time limit on extensions.
- 20.34.080 Effect of moratoria.
- 20.34.085 Effect of lawsuit.
- 20.34.090 Effect of expiration.

20.34.020 Expiration. An approved or conditionally approved tentative map shall expire thirty-six months after the date the tentative map was approved or conditionally approved. Once a timely filing of a final or parcel map is made pursuant to Sections 20.40.040 or 20.64.040, subsequent actions by the county, including but not limited to processing, approving and recording, may lawfully occur after the date of the expiration of the tentative map. (Ord. 2798 § 8, 1983; Ord. 2731 § 15 (part), 1982; Ord. 2163 § 1 (part), 1975; Ord. 2961, Dec. 1, 1987)

20.34.040 Extensions. The person filing the tentative map may request an extension of the tentative map approval or conditional approval by written application to the planning commission accompanied by a fee in the amount stated in the board of supervisors' resolution establishing fees for subdivisions, such application to be filed at least thirty days before the approval is due to expire. The application shall state the reasons for requesting the extension. (Ord. 2731 § 15 (part), 1982; Ord. 2163 § 1 (part), 1975).

20.34.060 Time limit on extensions. An extension or extensions of tentative map approval or conditional approval shall not exceed an aggregate of three (3) years. (Ord. 2731 & 15 (part), 1982; Ord. 2406 & 5, 1979; Ord. 2163 & 1 (part), 1975). (Ord. 2840, Aug. 7, 1984)

20.34.080 Effect of moratoria. The periods of time specified in this chapter shall not include any period of time during which a development moratorium, imposed after approval of the tentative map, is in existence; provided, however, that the length of such moratorium does not exceed five years. Once such a moratorium is terminated, the map shall be valid for the same period of time as was left to run on the map at the time that the moratorium was imposed; provided, however, that if such remaining time is less than one hundred twenty days, the map shall be valid for one hundred twenty days following the termination of the moratorium. (Ord. 2731 § 15 (part), 1982; Ord. 2406 § 6, 1979).

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20.34.085 Effect of lawsuit. The periods of time specified in this chapter shall not include any period of time during which a lawsuit has been filed and is pending in a court of competent jurisdiction involving the approval of a tentative map if a stay of the time period is approved by the planning director pursuant to this section. Within ten days of the service of

the initial petition or complaint upon the county, the subdivider may apply to the planning director for a stay of the time periods specified in this chapter. Within forty days after receiving the application, the planning director shall approve or deny the application. Any stay granted pursuant to this section shall not exceed five years. (Ord. 2731 § 15 (part), 1982).

20.34.090 Effect of expiration. The expiration of the approved or conditionally approved tentative map shall terminate all proceedings and no final map or parcel map of all or any portion of the real property included within the tentative map shall be filed without first processing a new tentative map. (Ord. 2731 § 15 (part), 1982).

Chapter 20.36

FINAL MAP DATA AND FORM

Sections:

- 20.36.020 General requirement.
- 20.36.030 Preparation.
- 20.36.040 Sheets.
- 20.36.050 Survey information.
- 20.36.060 Lot and block numbering.
- 20.36.070 Exterior boundary.
- 20.36.075 Minimum lettering and numeral size.
- 20.36.080 Soils report.
- 20.36.090 Title.
- 20.36.100 Key map.
- 20.36.110 Boundary and monument data.
- 20.36.120 Lot dimensions.
- 20.36.130 Established lines.
- 20.36.140 High water and inundated areas.
- 20.36.150 Streets.
- 20.36.160 Easements.
- 20.36.170 Parcel boundaries.
- 20.36.180 Vicinity sketch.
- 20.36.190 Monument description.
- 20.36.200 Accuracy of map.
- 20.36.220 Certificates.
- 20.36.230 Reference to certificates.

20.36.020 General requirement. The final map shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor, shall be based on a survey, and shall substantially conform to the approved tentative map and any conditions attached thereto and to all of the requirements set forth in this chapter. (Ord. 2163 § 1 (part), 1975).

20.36.030-20.36.070 SUBDIVISIONS

20.36.030 Preparation. The final map shall be legibly drawn, printed or reproduced by a process guaranteeing a permanent record in black on tracing cloth or polyester base film. Certificates, affidavits and acknowledgments may be legibly stamped or printed upon the map with opaque ink. If ink is used on polyester base film, the ink surface shall be coated with a suitable substance to assure permanent legibility. (Ord. 2163 § 1 (part), 1975).

20.36.040 Sheets. The size of each sheet shall be eighteen by twenty-six inches. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch. The scale of the map shall be large enough to show all details clearly, and enough sheets shall be used to accomplish this end. The particular number of the sheet and the total number of sheets comprising the map shall be stated on each of the sheets, and its relation to each adjoining sheet shall be clearly shown. (Ord. 2731 § 16, 1982; Ord. 2163 § 1 (part), 1975).

20.36.050 Survey information. All survey and mathematical information and data necessary to locate all monuments and to locate and retrace any and all interior and exterior boundary lines appearing thereon shall be shown, including bearings and distances of straight lines, and radii and arc length or chord bearings and length for all curves, and such information as may be necessary to determine the location of the centers of curves and ties to existing monuments used to establish the subdivision boundaries. The basis of bearing of the survey shall be clearly noted on the map. (Ord. 2163 § 1 (part), 1975).

20.36.060 Lot and block numbering. All lots shall be numbered consecutively with no omissions or duplications throughout the entire subdivision, including all units of any subdivision which has the same tract name but is designated by different units. No block division or numbering is required, but if desired by the subdivider, each block shall be numbered consecutively. Circles or other geometric figures shall not be drawn around numbers. Each lot must be shown entirely on one sheet. (Ord. 2163 § 1 (part), 1975).

20.36.070 Exterior boundary. The exterior boundary of the land included within the subdivision shall be indicated by a solid colored line approximately one-eighth inch wide, drawn around the outside of the subdivision, which is capable of being reproduced on prints of the final map.

The map shall show the definite location of the subdivision, and particularly its relation to surrounding surveys. The location of a designated "remainder" parcel shall be indicated, but need not be indicated as a matter of survey but only by deed reference to the existing boundaries of such remainder if such remainder has a gross area of five acres or more. (Ord. 2731 § 17, 1982).

20.36.075 Minimum lettering and numeral size. The minimum height of letters and numerals shall be one-eighth inch. (Ord. 2303 § 10, 1977).

20.36.080 Soils report. When a soils report, a geological report, or soils and geological reports have been prepared specifically for the subdivision, each report shall be kept on file for public inspection in the department of public works. (Ord. 2798 § 4, 1983; Ord. 2406 § 7, 1979; Ord. 2163 § 1 (part), 1975).

20.36.090 Title. The title sheet shall contain the title, consisting of the name of the tract. Such name shall not be the same as the name of any existing city, town, tract or subdivision of land into lots in this county of which a map of plot has been previously recorded, nor so nearly the same as to mislead the public or cause confusion as to identity thereof. If any of the land being subdivided has been previously shown on a recorded map, a subtitle referring to said recorded map shall also be shown on this title sheet. In case the property included within the subdivision lies wholly in unincorporated territory, the following words shall appear below the title: "In the County of Marin"; if partly within an incorporated city, the following words shall be used: "Lying within and adjoining the city of". Reference to tract and subdivisions in the description must be worded identically with original records and reference to book and page of record must be completed. Every sheet comprising the map shall bear the tract name, scale, north point, legend, sheet number, and number of sheets comprising the map. (Ord. 2163 § 1 (part), 1975).

20.36.100 Key map. When the final map consists of more than two map sheets, a key map showing the relation of the sheets shall be placed on sheet one. (Ord. 2163 § 1 (part), 1975).

20.36.110 Boundary and monument data. The final map shall clearly show the exact location of all permanent monuments as required to be set by Section 20.20.281. All adjoining property shall be identified by current record data including any tract name or other identification. (Ord. 2163 § 1 (part), 1975).

20.36.120 Lot dimensions. Dimensions of lots shall be given as to net dimensions to the boundaries of adjoining streets and shall be shown in feet and hundredths of feet. No ditto marks shall be used. Lots containing one acre or more shall show net acreage to nearest hundredths. Lots containing less than one acre shall show area in square feet. (Ord. 2163 § 1 (part), 1975).

20.36.130-20.36.170 SUBDIVISIONS

20.36.130 Established lines. Whenever the county has established a system of coordinates, the survey shall be tied into such system, or where there has been established the centerline of a street or alley, the data shall be shown on the final map indicating all monuments found and making reference to a field book or map. If the points were reset by ties, that fact shall be stated. (Ord. 2163 § 1 (part), 1975).

20.36.140 High water and inundated areas. The final map shall show the line of mean higher high water at mean sea level datum in case the subdivision is adjacent to tidewater and/or the areas subject to periodic inundation by flood. (Ord. 2163 § 1 (part), 1975).

20.36.150 Streets. The final map shall show the sidelines, total width, width of the portion being dedicated, width of existing dedications of all streets, and the width of railroad rights-of-way appearing on the map. All streets shall be named. (Ord. 2163 § 1 (part), 1975).

20.36.160 Easements. The final map shall show the location and width of all easements to which the lots are subject. The easements must be clearly labeled and identified, and if already of record, then recorded reference given. If any easement is not definitely located of record, a statement of such easement must appear on the title sheet. Easements for storm drains, sewers and other purposes shall be designated by dotted lines. Distances and bearings on the sidelines of lots which are cut by an easement must be arrowed or so shown that the map will indicate clearly the actual lengths of the lot lines. The width of the easement and the lengths and bearings of the lines thereof and sufficient ties thereto to definitely locate the easement with respect to the subdivision must be shown. If the easement is being dedicated by the map, it shall be properly set out in the owner's certificate of dedication. (Ord. 2163 § 1 (part), 1975).

20.36.170 Parcel boundaries. The final map shall particularly define, delineate and designate all lots intended for sale or reserved for private purposes and all parcels offered for dedication for any purpose, with all dimensions, boundaries, and courses clearly shown and defined in every case. Any or all of the parcels of land intended for any public use except those parcels, other than streets intended for the exclusive use of the lot owners, their licensees, visitors, tenants, and servants in the subdivision, shall be offered for dedication for public use. Parcels offered for dedication but not accepted shall be clearly designated as such on the map. (Ord. 2163 § 1 (part), 1975).

20.36.180 Vicinity sketch. A vicinity sketch which clearly locates the subdivision shall be included. (Ord. 2163 § 1 (part), 1975).

20.36.190 Monument description. All monuments found, set, reset, replaced or removed shall be shown and described as to kind, size and location. (Ord. 2163 § 1 (part), 1975).

20.36.200 Accuracy of map. A traverse of the boundaries of the tract and of all lots and blocks must close within a limit of error of one in five thousand. (Ord. 2163 § 1 (part), 1975).

20.36.220 Certificates. The certificates and acknowledgments set out in this section and all others now or hereafter required by law shall appear on the final map. Such certificates may be combined where appropriate.

(a) **Owners.** A certificate signed and acknowledged by all parties having any record title interest in the land subdivision, consenting to the preparation and recordation of the final map is required, except as follows:

(1) Neither a lien for state, county, municipal or local taxes, nor for special assessments, nor a trust interest under bond indentures, nor mechanics' liens constitute a record title interest in land for the purpose of this chapter or local ordinance.

(2) The signature of either the holder of beneficial interests under trust deeds or the trustee under such trust deeds, but not both, may be omitted. The signature of either constitutes a full and complete subordination of the lien of the deed of trust to the map and any interest created by the map.

(3) Signatures of parties owning the following types of interests may be omitted if their names and nature of their interests are endorsed on the map:

(A) **Rights-of-way, easements or other interests,** none of which can ripen into a fee, except those owned by a public entity or public utility or subsidiary of a public utility for conveyance to such public utility for rights-of-way. If, however, the legislative body or advisory agency determines that division and development of the property in the manner set forth on the approved or conditionally approved tentative map will not unreasonably interfere with the free and complete exercise of the public entity or public utility right-of-way or easement, the signature of such public entity or public utility may be omitted. Where such determination is made, the subdivider shall send, by certified mail, a copy of the proposed final map, together with a copy of Section 66436 of the Government Code, to any public entity or public utility which has previously acquired a right-of-way or easement. If the public entity or utility objects to either recording of the final map without its signature or the determination of the legislative body or advisory agency that the division and development of the property will not unreasonably interfere with the full and complete exercise of its right-of-way or easement, then the public entity or public utility and the legislative body

20.36.230 SUBDIVISIONS

or advisory agency shall proceed as specified in Section 66436 of the Government Code;

(B) Rights-of-way, easements or reversions, which by reason of changed conditions, long disuse or laches appear to be no longer of practical use or value and which signature it is impossible or impractical to obtain, (in this case, a reasonable statement of the circumstances preventing the procurement of the signatures shall be endorsed on the map);

(C) Interests in or rights to minerals, including but not limited to oil, gas or other hydrocarbon substances;

(D) Real property originally patented by the United States or by the state of California, which original patent reserved interest to either or both of such entities, may be included in the final map without the consent of the United States or the state of California thereto or to dedications made thereon.

(b) Dedication. A certificate for execution acknowledged as set out in subsection (a), offering for dedication for public use those certain parcels of land which are to be dedicated;

(c) Civil Engineers. A certificate by the civil engineer or the licensed surveyor responsible for the survey and final map. (The signature of such civil engineer or surveyor must be attested unless accompanied by his seal);

(d) County Surveyor. A certificate for execution by the county surveyor;

(e) County Recorder. A certificate for execution by the county recorder;

(f) Planning Commission. A certificate for execution by the planning director;

(g) County Tax Collector. A certificate for execution by the county tax collector stating that according to the records of his office there are no liens against the subdivision or any part thereof for unpaid state, county, municipal or local taxes, or special assessments not yet payable;

(h) Tax Bond. A certificate attesting that a tax bond, cash or other securities guaranteed in payment have been filed with the clerk of the board of supervisors to cover taxes and assessments against the property which are a lien but are not yet payable;

(i) Board of Supervisors. A certificate for execution by the chairman of the board of supervisors and attested by the clerk of that board approving the final map as submitted and accepting or not accepting the areas dedicated for public use. (Ord. 2798 §§ 5, 6, 1983; Ord. 2406 § 8, 1979; Ord. 2303 § 11, 1977; Ord. 2163 § 1 (part), 1975).

20.36.230 Reference to certificates. Notwithstanding any other provision of this title, the county surveyor may require that those certificates and acknowledgments required by this chapter be made by separate instrument to be recorded concurrently with the final map being filed for record. Whenever a certificate or acknowledgment is made by separate instrument, there shall appear on the final map a reference to the separately recorded

document. The county recorder shall cross-reference all such concurrently recorded separate documents. (Ord. 2731 § 18, 1982).

Chapter 20.40 FINAL MAP FILING

Sections:

- 20.40.020 Prefiling.
- 20.40.040 Time of filing.
- 20.40.050 Multiple final maps.
- 20.40.060 Accompanying data.
- 20.40.080 Prints.
- 20.40.100 Certificate of title.
- 20.40.120 Improvement security and agreement.
- 20.40.140 Certification of water and sewerage facilities.
- 20.40.150 Certification of fire protection.
- 20.40.160 Additional information.

20.40.020 Prefiling. Prior to filing the final map as provided in this chapter, the subdivider or his agent shall submit to the county surveyor or his authorized representative four check prints of the proposed final map accompanied by a current (but not older than six months) preliminary title report, a traverse sheet or sheets in a form approved by the county surveyor giving latitudes and departures and/or coordinates of the boundary of the subdivision, the blocks and the lots therein and the final map filing fee in the amount designated in the resolution of the board of supervisors establishing fees for subdivisions. (Ord. 2303 § 12, 1977; Ord. 2163 § 1 (part), 1975).

20.40.040 Time of filing. Prior to expiration of the tentative map, the subdivider or his agent shall file with the county surveyor or his authorized representative a final map accompanied by the data and material specified in Sections 20.40.060 through 20.40.160. (Ord. 2163 § 1 (part), 1975).

20.40.050 Multiple final maps. Multiple final maps relating to an approved or conditionally approved tentative map may be filed prior to the expiration of the tentative map if: (a) the subdivider, at the time the tentative map is filed, informs the planning director of the subdivider's intention to file multiple final maps on such tentative map, or (b) after filing of the tentative map, the planning director and the subdivider concur in the filing of multiple final maps. In providing such notice, the subdivider shall not be required to define the number or configuration of the proposed multiple final maps. The filing of a final map on a portion of an approved or conditionally approved tentative map shall not validate any part of such tentative map. The right of the subdivider to file multiple final maps shall not detract from the authority of the planning director or planning commission to

20.40.060-20.40.140 SUBDIVISIONS

impose reasonable conditions relating to the filing of multiple final maps. (Ord. 2731 § 19, 1982).

20.40.060 Accompanying data. The information to be filed shall include the final map, conforming to Chapter 20.36, and containing all (except the approval certificate by the board of supervisors, the county surveyor and the planning commission) the necessary signatures affixed to the certificates and acknowledgments listed under Section 20.36.030. (Ord. 2163 § 1 (part), 1975).

20.40.080 Prints. In addition to the tracings, there shall be filed one set of cloth prints and three sets of blue line or black line prints. The tracing shall contain the original signatures. (Ord. 2163 § 1 (part), 1975).

20.40.100 Certificate of title. There shall be filed with the final map evidence of title issued by a reputable title insurance company showing the names of all persons having any right, title or interest in the lands proposed to be subdivided and whose consent is necessary to convey clear title to the land. Such evidence of title shall be filed with the final map for record in the offices of the county recorder. (Ord. 2163 § 1 (part), 1975).

20.40.120 Improvement security and agreement. Improvement bonds and agreements subject to the conditions of Chapter 20.20 are required if the required improvements have not been satisfactorily completed before the final map is filed. (Ord. 2163 § 1 (part), 1975).

20.40.140 Certification of water and sewerage facilities. (a) Sewerage Facilities. A letter from the health officer or his authorized agent or appropriate sanitary district or sanitation district having jurisdiction is required certifying that satisfactory arrangements have been made with them for adequate provisions for sewage disposal for each lot within the subdivision.

(b) Water Facilities. A letter from the health officer or his authorized agent or appropriate public water supply district is required certifying that satisfactory arrangements have been made with them for installation of an

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adequate and safe water supply to each lot within the subdivision. (Ord. 2163 § 1 (part), 1975).

20.40.150 Certification of fire protection. A letter from the appropriate fire chief or his authorized agent certifying that satisfactory arrangements have been made for fire protection is required. (Ord. 2163 § 1 (part), 1975).

20.40.160 Additional information. Any other evidence and material that is or may be hereafter required by law or by the conditions of approval of the tentative map shall also be filed. (Ord. 2163 § 1 (part), 1975).

Chapter 20.44

ACTION ON FINAL MAP

Sections:

- 20.44.020 County surveyor first transmittal.
- 20.44.040 Duty of county surveyor.
- 20.44.060 Duty of planning commission.
- 20.44.080 Return to county surveyor.
- 20.44.100 County surveyor preliminary action.
- 20.44.120 County surveyor second transmittal.
- 20.44.140 Action of planning director.
- 20.44.160 Action of county surveyor.
- 20.44.170 Grounds for disapproval.
- 20.44.180 Action of board of supervisors.
- 20.44.200 Recording fee.
- 20.44.220 Filing fee retention on abandonment of proceedings.
- 20.44.240 Dedications void.

20.44.020 County surveyor first transmittal. The county surveyor shall within three days of the submittal specified in Section 20.40.020 transmit one copy of the final map, check print, and a copy of the receipt of the final map filing fee to the planning commission. (Ord. 2163 § 1 (part), 1975).

20.44.040 Duty of county surveyor. It shall be the duty of the county surveyor to examine and to check the final map as to the sufficiency of affidavits, consents to the making thereof, certificates of dedications, acceptance of dedications, acknowledgments, corrections of surveying data, computations and its compliance with the changes or alterations designated upon the tentative map and such other maps that require checking to insure compliance with the law and this title. (Ord. 2303 § 13, 1977: Ord. 2163 § 1 (part), 1975).

ACTION ON FINAL MAP 20.44.060-20.44.170

20.44.060 Duty of planning commission. It shall be the duty of an authorized representative of the planning commission to examine the check print to determine if it is in substantial conformance with the approved tentative map. (Ord. 2163 § 1 (part), 1975).

20.44.080 Return to county surveyor. Within ten days after receipt of the check print, the authorized representative of the planning commission shall certify to the county surveyor the correctness of the check print or advise the subdivider and county surveyor of any errors or omission. (Ord. 2163 § 1 (part), 1975).

20.44.100 County surveyor preliminary action. At such time that the county surveyor receives a certificate from the authorized representative of the planning commission stating that the final map is in substantial conformance with the approved tentative map and the county surveyor is satisfied that the final map satisfies Section 20.44.040, he shall so notify the subdivider or his agent. (Ord. 2163 § 1 (part), 1975).

20.44.120 County surveyor second transmittal. The county surveyor shall within three days of the submittal of the final map and all accompanying material, but following notification as specified in Section 20.44.100, transmit to the planning commission the final map along with the accompanying material specified in Sections 20.40.080, 20.40.120 and 20.40.140. (Ord. 2163 § 1 (part), 1975).

20.44.140 Action of planning director. The final map and prints shall be signed by the planning director and returned to the county surveyor. (Ord. 2798 § 9, 1983; Ord. 2303 § 14, 1977; Ord. 2163 § 1 (part), 1975).

20.44.160 Action of county surveyor. The county surveyor shall sign and seal the final map and shall present same to the board of supervisors at its next regular meeting, together with the title evidence, improvement agreement and improvement securities as specified in Section 20.40.100 and Chapter 20.20, respectively. If the map has not been certified as correct by the planning commission or county surveyor, the county surveyor shall within three days return said final map, with accompanying documents mentioned in this section, to the subdivider or his agent, together with a statement setting forth the grounds for disapproval. (Ord. 2303 § 15, 1977; Ord. 2163 § 1 (part), 1975).

20.44.170 Grounds for disapproval. A final map shall be disapproved only for failure to meet or perform requirements or conditions which were applicable to the subdivision at the time for approval of the tentative map. This section shall not be construed to require disapproval of a map when the failure of the map is the result of technical or inadvertent error which in the

20.44.180-20.44.220 SUBDIVISIONS

opinion of the county surveyor does not materially affect the validity of the map.

Approval of a final map shall not be refused or postponed because the subdivider has failed to meet a tentative map condition which requires the subdivider to construct or install off-site improvements on land in which neither the subdivider nor the county or any other public agency has sufficient title or interest, including an easement or license, at the time the tentative or final map is filed with the county, to permit the improvements to be made. In such cases, the county shall, within ninety days of the filing of the map, pursuant to Sections 20.40.040 or 20.64.040, acquire by negotiation or commence proceedings pursuant to Title 7 (commencing with Section 1230.010) of Part 3 of the Code of Civil Procedure to acquire an interest in the land which will permit the improvements to be made, including proceedings for immediate possession of the property under Article 3 (commencing with Section 1255.410) of Chapter 6 of such title. In the event the county fails to meet the ninety-day time limitation, the condition for construction of off-site improvements shall be conclusively deemed to be waived. Prior to approval of the final map the county may require the subdivider to enter into an agreement to complete the improvements pursuant to Chapter 20.20 at such time as the county acquires an interest in the land which will permit the improvements to be made. Nothing in this section precludes the county from requiring a subdivider to pay the cost of acquiring off-site real property interests required in connection with a subdivision. "Off-site improvements," as used in this section, does not include improvements which are necessary to assure replacement or construction of housing for persons and families of low or moderate income, as defined in Section 50093 of the Health and Safety Code. (Ord. 2798 § 10, 1983; Ord. 2303 § 16, 1977).

20.44.180 Action of board of supervisors. Upon receipt of the final map, the board of supervisors shall at its next meeting or within a period of not more than ten days after such filing, approve such map if the same conforms to all the requirements of the Subdivision Map Act, this title, and any rulings made thereunder. The board of supervisors shall at the time of its action accept or reject any or all of the dedications. (Ord. 2163 § 1 (part), 1975).

20.44.200 Recording fee. Upon the approval of any final map and after the signatures and seals have been affixed, the county surveyor shall transmit the map to the county recorder. The recording fee shall be paid to the recorder by the subdivider. (Ord. 2163 § 1 (part), 1975).

20.44.220 Filing fee retention on abandonment of proceedings. In the event that the proceedings are abandoned or a final map is never recorded, the full filing fee collected upon the filing of the tentative map shall be retained by the county. (Ord. 2163 § 1 (part), 1975).

20.44.240 Dedications void. Upon filing the map with the county recorder, all dedications and offers of dedication not shown on the final map for revision shall be of no further force and effect. (Ord. 2163 § 1 (part), 1975).

Chapter 20.52

TENTATIVE MAP FILING WHERE PARCEL MAP REQUIRED

Sections:

- 20.52.020 Filing required.
- 20.52.040 Filing fee.
- 20.52.050 Acceptance as complete.
- 20.52.060 Filing receipt.

20.52.020 Filing required. Nine prints of the tentative map shall be filed with the planning director. (Ord. 2731 § 20 (part), 1982: Ord. 2163 § 1 (part), 1975).

20.52.040 Filing fee. (a) A filing fee in the amount specified in the board of supervisors' resolution establishing fees for subdivisions shall be paid at the time the map is filed. If it is proposed that any of the lots be served by septic tanks, the fee per lot shall be increased in the amount specified in the board of supervisors' resolution establishing fees for subdivisions.

(b) A filing fee in the amount specified in the board of supervisors' resolution establishing fees for subdivisions shall be paid with the application for an extension of an approved tentative map.

(c) A filing fee in the amount specified in the board of supervisors' resolution establishing fees for subdivisions shall be paid with the application for a revision of an approved tentative map. (Ord. 2731 § 20 (part), 1982: Ord. 2163 § 1 (part), 1975).

20.52.050 Acceptance as complete. The time of acceptance of a tentative map application shall be construed to be the time at which the application is accepted as complete by the planning director. The planning director shall not accept a tentative map application as complete unless the application is in full compliance with the provisions of this title as to form and as to the data and information required to be shown thereon or furnished therewith. Not later than thirty calendar days after receipt of an application for a tentative map, the planning director shall inform the applicant, in writing, whether such application is complete. In the event that the application is determined not complete, the planning director shall specify those parts of the application that are incomplete and the manner

in which they can be made complete. (Ord. 2731 § 20 (part), 1982; Ord. 2163 § 1 (part), 1975).

20.52.060 Filing receipt. Upon receiving an application for a tentative map, the planning director shall give a receipt for the map, accompanying data, and filing fee. Such receipt shall not preclude the securing of additional information for the subdivider necessary for the proper consideration of the tentative map, nor does it insure that the map does comply with the law and with this title. If, after a receipt is issued, it is determined that the map and attachments do not comply with the provisions of the Subdivision Map Act and this title, a notice of incompleteness shall be transmitted in a timely manner to the person or entity who filed, and he shall be allowed to submit additional information to complete the application. (Ord. 2731 § 20 (part), 1982; Ord. 2163 § 1 (part), 1975).

Chapter 20.56

ACTION ON TENTATIVE MAP WHERE PARCEL MAP REQUIRED

Sections:

- 20.56.020 Transmittal to others.
- 20.56.030 Transmittal to school districts.
- 20.56.050 Public notice.
- 20.56.060 Action on tentative map.
- 20.56.080 Lot line adjustments and relocations.
- 20.56.100 Nonconforming land divisions.
- 20.56.120 Required findings.
- 20.56.125 Applicable ordinances.

20.56.020 Transmittal to others. The planning director shall promptly refer copies of the preliminary map to the department of public works and other interested departments, appropriate public agencies, and/or special districts. These agencies shall, within ten working days after the date of mailing, return their recommendations and report, in writing, to the planning director.

If the tentative map shows sewage disposal by any means other than public sewer system or water supply by any means other than a public facility, the planning director shall transmit a copy thereof to the county health officer. The county health officer shall submit a report to the planning director, indicating whether the proposed method of sewage disposal or water supply does or does not create a health hazard. If it would create a health hazard, an alternate system may be recommended, and said recommendation must be included as a condition of approval by the planning director. If no satisfactory method of sewage disposal or water supply is presented, the tentative map shall be disapproved.

If the tentative map shows sewage disposal by a public sewer system or water supply by means of a public water system, the planning director shall transmit a copy thereof to the appropriate water or sewer agency. The agency shall submit a report to the planning director showing its ability to serve the proposed subdivision.

The planning director shall transmit a copy thereof to the appropriate fire chief. The fire chief or his authorized representative shall submit a report to the planning director containing any recommendations for fire protection for the proposed subdivision. (Ord. 2303 § 17, 1977; Ord. 2163 § 1 (part), 1975).

20.56.030 Transmittal to school districts. Within ten days of the filing of a tentative map, the planning director shall send a notice of the filing of the tentative map to the governing board of any elementary school, high school or unified school district within the boundaries of which the subdivision is proposed to be located. Such notice shall contain the location of the subdivision, the number of units, density and any other information which would be relevant to the affected school district. The governing board of the school district may comment on the proposed subdivision within twenty working days of the date on which the notice was mailed pursuant to Section 66455.7 of the Government Code. Failure of any such school district to comment within the twenty-day period shall be deemed to recommend approval without comment on the proposed subdivision. (Ord. 2303 § 18, 1977).

20.56.050 Public notice. Notice of an application for a tentative map shall be given by the mailing of notice to all persons, shown on the last equalized assessment roll, as owning real property within three hundred feet of the property which is the subject of the application. Such notice shall be mailed at least ten calendar days prior to the date of public hearing or decision on the tentative map. The notice shall contain a general description of the proposed subdivision, including its location, and shall include the date and place of the hearing and/or decision on the application. Whenever a public hearing is held on an application for tentative map, notice of such hearing, including the time and place, shall be given ten days prior to the hearing by publication once in a newspaper of general circulation. (Ord. 2731 § 21, 1982).

20.56.060 Action on tentative map. The planning director shall act on all tentative map applications as provided herein; except, where the planning director finds that major policy questions are at issue, the director may refer the tentative map to the planning commission for action. The planning director or planning commission shall approve, conditionally approve or disapprove the tentative map not later than fifty days after the map is accepted as complete pursuant to Section 20.52.050 unless the subdivider or his agent agrees to a later date, or an environmental impact report is

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prepared for the tentative map. The action by the planning director or planning commission shall be endorsed on the face of the tentative map. In approving or conditionally approving a tentative map, the planning director or planning commission shall consider all of the required findings as specified in Section 20.56.120. In the event that the tentative map is disapproved, the reasons for such disapproval shall be stated in clear and concise terms upon a memorandum permanently attached to the map, together with a clear and concise statement of what changes will render the map acceptable. One copy shall remain permanently in the files of the planning director. If no action is taken by the planning director or planning commission within said fifty days, or such longer period as may have been agreed upon, the tentative map shall be deemed approved as submitted, subject to the code requirements of this title and Title 24, and it shall be so attested by the planning director; provided, however, that the fifty days' time limit may be difficult or impossible to be met if any required environmental impact report or negative declaration is required pursuant to the California Environmental Quality Act, in which case the subdivider and the county may, pursuant to Government Code Section 66451.1, agree, in writing, to extend the time limits specified for reporting and acting on maps for a period of up to four months beyond the last time limit so specified. In any case, if an environmental impact report is prepared for the tentative map, the fifty-day period specified in this section shall not be applicable and the planning director or planning commission shall act on the tentative map within forty-five days after certification of the environmental impact report. (Ord. 2731 § 22, 1982; Ord. 2409 § 4, 1979; Ord. 2303 § 19, 1977; Ord. 2163 § 1 (part), 1975).

20.56.080 Lot line adjustments and relocations. Requirements for lot line adjustments and relocations shall be as required for subdivisions requiring parcel maps except for the following:

(a) The tentative map need only show data related to the proposed adjustment or relocation as required by the planning director.

(b) A record of survey map may be used in lieu of a parcel map if approved by the county surveyor.

(c) Upon written application, the planning director may waive any or all of the tentative map requirements.

(d) Upon written application, the county surveyor may waive the filing of a parcel map or record of survey, if in the opinion of the county surveyor, a new boundary line is already adequately monumented of record, easily located due to existing monumentation of record, or based on such other physical circumstance as may be determined by the county surveyor. If a parcel map or record of survey is waived, a plat map and legal descriptions of the revised parcels suitable to the county surveyor shall be prepared and recorded with the county recorder. Such recordation shall occur only with the actual transfer of real property proposed by the lot line adjustment.

(e) Written application for waivers as authorized by this section shall state in detail the basis for any waiver requested. (Ord. 2163 § 1 (part), 1975).

20.56.100 Nonconforming land divisions. Whenever a proposed land division would result in the creation of one or more lots which would deviate from any of the requirements of Title 22 of the Marin County Code, except for required dedications, the zoning administrator shall first hold a public hearing in accordance with Chapter 22.86, Variance. (Ord. 2731 § 23, 1982; Ord. 2163 § 1 (part), 1975).

20.56.120 Required findings. The map shall be denied for any of the following causes:

(a) The proposed map is not consistent with applicable general and specific plans.

(b) The design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.

(c) The site is not physically suitable for the type of development.

(d) The site is not physically suitable for the proposed density of development.

(e) The design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

(f) The design of the subdivision or the type of improvements is likely to cause serious public health problems.

(g) The design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements for access or for use will be provided and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction. No authority is granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision. (Ord. 2163 § 1 (part), 1975).

20.56.125 Applicable ordinances. In determining whether to approve or disapprove an application for a tentative map, the planning director or planning commission shall apply only those ordinances, policies, and standards in effect on the date the application was accepted as complete pursuant to Section 20.52.050. However, if the planning commission or board of supervisors has formally initiated proceedings by way of ordinance or resolution in accord with the procedures for publication of ordinances, to amend applicable general or specific plans, or zoning or subdivision ordinances before the application is accepted as complete, the planning director or

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planning commission may apply any ordinances, policies or standards enacted as a result of those proceedings which are in effect on the date the tentative map application is approved or disapproved. If the subdivision applicant requests changes in applicable ordinances, policies or standards in connection with the tentative map application, any ordinances, policies or standards adopted pursuant to the applicant's request shall apply. (Ord. 2798 § 11, 1983).

Chapter 20.60

PARCEL MAP DATA AND FORM

Sections:

- 20.60.020 General requirement.
- 20.60.030 Preparation.
- 20.60.040 Sheets.
- 20.60.050 Survey information.
- 20.60.060 Lot designation.
- 20.60.070 Exterior boundary.
- 20.60.075 Minimum lettering and numeral size.
- 20.60.080 Soils report.
- 20.60.090 Title.
- 20.60.100 Key map.
- 20.60.110 Boundary and monument data.
- 20.60.120 Lot dimensions.
- 20.60.130 Established lines.
- 20.60.140 High water and inundated areas.
- 20.60.150 Streets.
- 20.60.160 Easements.
- 20.60.170 Parcel boundaries.
- 20.60.175 Remainder.
- 20.60.180 Vicinity sketch.
- 20.60.190 Monument description.
- 20.60.200 Accuracy of map.

20.60.220 Certificates.

20.60.230 Reference to certificates.

20.60.020 General requirement. The parcel map shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor, shall be based on a survey, and shall substantially conform to the approved tentative map, to any conditions attached thereto and to all of the requirements set forth in Sections 20.60.030 through 20.60.220. (Ord. 2163 § 1 (part), 1975).

20.60.030 Preparation. The parcel map shall be legibly drawn, printed or reproduced by a process guaranteeing a permanent record in black on tracing cloth or polyester base film. Certificates, affidavits and acknowledgments may be legibly stamped or printed upon the map with opaque ink. If ink is used on polyester base film, the ink surface shall be coated with a suitable substance to assure permanent legibility. (Ord. 2163 § 1 (part), 1975).

20.60.040 Sheets. The size of each sheet shall be eighteen by twenty-six inches. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch. The scale of the map shall be large enough to show all details clearly and enough sheets shall be used to accomplish this end. The particular number of the sheet and the total number of sheets comprising the map shall be stated on each of the sheets, and its relation to each adjoining sheet shall be clearly shown. (Ord. 2163 § 1 (part), 1975).

20.60.050 Survey information. All survey and mathematical information and data necessary to locate all monuments and to locate and retrace any and all interior and exterior boundary lines appearing thereon shall be shown on the parcel map, including bearings and distances of straight lines, radii and arc length or chord bearings and length for all curves, and such information as may be necessary to determine the location of the centers of curves and ties to existing monuments used to establish the subdivision boundaries. The basis of bearing on the survey shall be clearly noted on the map. (Ord. 2163 § 1 (part), 1975).

20.60.060 Lot designation. Each lot or parcel shall be numbered. Each lot must be shown entirely on one sheet. (Ord. 2303 § 20, 1977; Ord. 2163 § 1 (part), 1975).

20.60.070 Exterior boundary. The exterior boundary of the land included within the subdivision shall be indicated by a solid colored line approximately one-eighth inch wide, drawn around the outside of the subdivision, which is capable of being reproduced on prints of the parcel map.

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The map shall show the definite location of the subdivision, and particularly its relation to surrounding surveys. The location of a designated remainder parcel shall be indicated but need not be indicated as a matter of survey but only by deed reference to the existing record boundaries of such remainder if such remainder has a gross area of five acres or more. (Ord. 2731 § 24, 1982; Ord. 2303 § 21, 1977; Ord. 2163 § 1 (part), 1975).

20.60.075 Minimum lettering and numeral size. The minimum height of letters and numerals shall be one-eighth inch. (Ord. 2303 § 22, 1977).

20.60.080 Soils report. When a soils report has been prepared, this fact shall be noted on the parcel map, together with the date of the report and the name of the engineer making the report. (Ord. 2163 § 1 (part), 1975).

20.60.090 Title. The title shall contain the heading "Parcel Map" and also the name(s) of the legal owner(s) and current recording data and, if any of the land being divided has been previously shown on a recorded map, a subtitle referring to said recorded map. In case the property included within the subdivision lies wholly in unincorporated territory, the following words shall appear below the title: "In the County of Marin"; if partly within an incorporated city, the following words shall be used: "Lying within and adjoining the city of". Reference to tract and subdivisions in the description must be worded identically with original records, and reference to book and page of record must be completed. Every sheet comprising the map shall bear the wording "Parcel Map" and the name(s) of

the owner(s), scale, north point, legend, sheet number, and number of sheets comprising the map. (Ord. 2163 § 1 (part), 1975).

20.60.100 Key map. When the parcel map consists of more than two map sheets, a key map showing the relation of the sheets shall be placed on sheet one. (Ord. 2163 § 1 (part), 1975).

20.60.110 Boundary and monument data. The parcel map shall clearly show the exact location of all permanent monuments as required to be set by Section 20.20.281. All adjoining property shall be identified by current record data, including any tract name or other identification. (Ord. 2163 § 1 (part), 1975).

20.60.120 Lot dimensions. Dimensions of lots shall be given as to net dimensions to the boundaries of adjoining streets and shall be shown in feet and hundredths of feet. No ditto marks shall be used. Lots containing one acre or more shall show net acreage to nearest hundredths. Lots containing less than one acre shall show area in square feet. (Ord. 2163 § 1 (part), 1975).

20.60.130 Established lines. Whenever the county has established a system of coordinates, the survey shall be tied into such system. Where there has been established the centerline of a street or alley, the data shall be shown on the parcel map indicating all monuments found and making reference to a field book or map. If the points were reset by ties, that fact shall be stated. (Ord. 2163 § 1 (part), 1975).

20.60.140 High water and inundated areas. The parcel map shall show the line of higher high water in case the subdivision is adjacent to tidewater and/or the areas subject to periodic inundation by flood. (Ord. 2163 § 1 (part), 1975).

20.60.150 Streets. The parcel map shall show the sidelines, total width, width of the portion being dedicated, width of existing dedications of all streets, and the width of railroad rights-of-way appearing on the map. All streets shall be named. (Ord. 2163 § 1 (part), 1975).

20.60.160 Easements. The parcel map shall show the location and width of all easements to which the lots are subject. The easements must be clearly labeled and identified, and if already of record, its recorded reference given. If any easement is not definitely located of record, a statement of such easement must appear on the title sheet. Easements for storm drains, sewers and other purposes shall be designated by dotted lines. Distances and bearings on the sidelines of lots which are cut by an easement must be arrowed or so shown that the map will indicate clearly the actual lengths of the lot lines. The width of the easement and the lengths and bearings of the

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lines thereof and sufficient ties thereto to definitely locate the easement with respect to the subdivision must be shown. If the easement is being dedicated by the map, it shall be properly set out in the owner's certification of dedication. (Ord. 2163 § 1 (part), 1975).

20.60.170 Parcel boundaries. The parcel map shall particularly define, delineate and designate all lots intended for sale or reserved for private purposes, and all parcels offered for dedication for any purpose, with all dimensions, boundaries, and courses clearly shown and defined in every case. Any or all of the parcels of land intended for any public use except those parcels, other than streets, intended for the exclusive use of the lot owners, their licensees, visitors, tenants, and servants in the subdivision shall be offered for dedication for public use. Parcels offered for dedication but not accepted shall be clearly designated as such on the map. (Ord. 2163 § 1 (part), 1975).

20.60.175 Remainder. The "remainder," as defined in Section 20.20.282, shall be indicated on the parcel map, but need not be indicated as a matter of survey, but only by deed reference to the existing record boundaries of such remainder. (Ord. 2303 § 23, 1977).

20.60.180 Vicinity sketch. A vicinity sketch which clearly locates the subdivision shall be included. (Ord. 2163 § 1 (part), 1975).

20.60.190 Monument description. All monuments found, set, reset, replaced or removed shall be shown and described as to kind, size and location. (Ord. 2163 § 1 (part), 1975).

20.60.200 Accuracy of map. A traverse of the boundaries of the tract and of all lots and blocks must close within a limit of error of one in five thousand. (Ord. 2163 § 1 (part), 1975).

20.60.220 Certificates. The certificates and acknowledgments set out in this section and all others now or hereafter required by law shall appear on the final map. Such certificates may be combined where appropriate.

(a) Owners. A certificate signed and acknowledged by all parties having any record title interest in the land subdivision, consenting to the preparation and recordation of the final map is required, except as follows:

(1) Neither a lien for state, county, municipal or local taxes, nor for special assessments, nor a trust interest under bond indentures, nor mechanics' liens constitute a record title interest in land for the purpose of this chapter or local ordinance.

(2) The signature of either the holder of beneficial interests under trust deeds or the trustee under such trust deeds, but not both, may be omitted. The signature of either constitutes a full and complete subordination of the lien of the deed of trust to the map and any interest created by the map.

(3) Signatures of parties owning the following types of interests may be omitted if their names and nature of their interests are endorsed on the map.

(A) Rights-of-way, easements or other interests, none of which can ripen into a fee, except those owned by a public entity or public utility or subsidiary of a public utility for conveyance to such public utility for rights-of-way. If, however, the legislative body or advisory agency determines that division and development of the property in the manner set forth on the approved or conditionally approved tentative map will not unreasonably interfere with the free and complete exercise of the public entity or public utility right-of-way or easement, the signature of such public entity or public utility may be omitted. Where such determination is made, the subdivider shall send, by certified mail, a copy of the proposed final map, together with a copy of Section 66436 of the Government Code, to any public entity or public utility which has previously acquired a right-of-way or easement. If the public utility or utility objects to either recording of the final map without its signature or the determination of the legislative body or advisory agency that the division and development of the property will not unreasonably interfere with the full and complete exercise of its right-of-way or easement, then the public entity or public utility and the legislative body or advisory agency shall proceed as specified in Section 66436 of the Government Code;

(B) Rights-of-way, easements or reversions which, by reason of changed conditions, long disuse or laches, appear to be no longer of practical use or value and for which signature it is impossible or impractical to obtain (In this case, reasonable statement of the circumstances preventing the procurement of the signatures shall be endorsed on the map.);

(C) Interests in or rights to minerals, including but not limited to oil, gas or other hydrocarbon substances;

(D) Real property originally patented by the United States or by the state of California, which original patent reserved interest to either or both of such entities, may be included in the final map without the consent of the United States or the state of California thereto or to dedications made thereon;

(E) Where four lots or less are being created, and for lot line adjustments where dedications or offers of dedication are not required, the owner's certificate may be signed by the subdivider only; provided, however, where a subdivider does not have a record title ownership interest in the property to be divided, the subdivider shall provide the county surveyor with satisfactory evidence that the persons with record title ownership have consented to the proposed division.

(b) Dedication. A certificate for execution acknowledged as set out in subsection (a), offering for dedication for public use those certain parcels of land which are to be dedicated;

(c) Civil Engineers. A certificate by the civil engineer or the licensed surveyor responsible for the survey and final map; (The signature of such

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civil engineer or surveyor must be attested unless accompanied by his seal.)

(d) County Surveyor. A certificate for execution by the county surveyor including a statement accepting or not accepting any areas dedicated for public use;

(e) County Recorder. A certificate for execution by the county recorder;

(f) Planning Director. A certificate for execution by the planning director;

(g) County Tax Collector. A certificate for execution by the county tax collector stating that according to the records of his office there are no liens against the subdivision or any part thereof for unpaid state, county, municipal or local taxes, or special assessments not yet payable. (Ord. 2798 §§ 12, 13, 1983; Ord. 2406 § 10, 1979; Ord. 2303 § 24, 1977; Ord. 2163 § 1 (part), 1975).

20.60.230 Reference to certificates. Notwithstanding any other provisions of this title, the county surveyor may require that those certificates and acknowledgments required by this chapter be made by separate instrument to be recorded concurrently with the parcel map being filed for record. Whenever a certificate or acknowledgment is made by separate instrument, there shall appear on the parcel map a reference to the separately recorded document. The county recorder shall cross-reference all such concurrently recorded separate documents. (Ord. 2731 § 25, 1982).

**Chapter 20.64
PARCEL MAP FILING**

Sections:

- 20.64.020 Prefiling.
- 20.64.040 Time of filing.
- 20.64.060 Accompanying data.
- 20.64.080 Prints.
- 20.64.100 Certificate of title.
- 20.64.120 Improvement security and agreement.
- 20.64.140 Certification of water and sewerage facilities.
- 20.64.150 Certification of fire protection.
- 20.64.160 Additional information.

20.64.020 Prefiling. Prior to filing the parcel map as provided in this chapter, the subdivider or his agent shall submit to the county surveyor or his authorized representative four check prints of the proposed parcel map accompanied by a current preliminary title report (but not older than six months), a traverse sheet or sheets in a form approved by the county surveyor giving latitudes and departures and/or coordinates of the boundaries of the subdivision, the blocks and the lots therein, and the parcel map filing fee in the amount designated in the resolution of the board of

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supervisors establishing fees for subdivisions. (Ord. 2303 § 25, 1977; Ord. 2163 § 1 (part), 1975).

20.64.040 Time of filing. Prior to expiration of the tentative map, the subdivider or his agent shall file with the county surveyor or his authorized representative a parcel map accompanied by the data and material specified in Sections 20.64.060 through 20.64.160. Failure to file a parcel map shall terminate all proceedings. Any division of the same land shall require the filing of a new map. (Ord. 2163 § 1 (part), 1975).

20.64.060 Accompanying data. A parcel map conforming to Chapter 20.60 and containing all the necessary signatures affixed to the certificates' acknowledgments listed under Section 20.60.220 (except the approval certificate by the board of supervisors, the county surveyor and the planning commission or planning director) is required. (Ord. 2163 § 1 (part), 1975).

20.64.080 Prints. In addition to the tracings, there shall be filed one set of cloth prints and three sets of blue line or black line prints, of which the tracing shall contain the original signatures. (Ord. 2163 § 1 (part), 1975).

20.64.100 Certificate of title. There shall be filed with the parcel map evidence of title issued by a reputable title insurance company and showing the names of all persons having any right, title or interest in the lands proposed to be subdivided and whose consent is necessary to convey clear title to the land. Such evidence of title shall be filed with the parcel map for record in the offices of the county recorder. (Ord. 2163 § 1 (part), 1975).

20.64.120 Improvement security and agreement. There shall be filed with the parcel map improvement bonds and agreement subject to the conditions of Chapter 20.20, if the required improvements have not been satisfactorily completed before the parcel map is filed. (Ord. 2163 § 1 (part), 1975).

20.64.140 Certification of water and sewerage facilities. (a) Sewerage Facilities. A letter from the health officer or his authorized agent or appropriate sanitary district or sanitation district having jurisdiction is required, certifying that satisfactory arrangements have been made for adequate provisions for sewage disposal for each lot within the subdivision.

(b) Water Facilities. A letter from the health officer or his authorized agent or appropriate public water supply district is required, certifying that satisfactory arrangements have been made for installation of an adequate and safe water supply to each lot within the subdivision. (Ord. 2163 § 1 (part), 1975).

20.64.150 Certification of fire protection. A letter from the appropriate fire chief or his authorized agent certifying that satisfactory arrangements have been made for fire protection shall accompany the parcel map. (Ord. 2163 § 1 (part), 1975).

20.64.160 Additional information. Any other evidence and material that is or may be hereafter required by law or by the conditions of approval of the tentative map shall be filed with the parcel map. (Ord. 2163 § 1 (part), 1975).

20.68.020-20.68.100 SUBDIVISIONS

Chapter 20.68
ACTION ON PARCEL MAP

Sections:

- 20.68.020 County surveyor first transmittal.
- 20.68.040 Duty of county surveyor.
- 20.68.060 Duty of planning director.
- 20.68.080 Return to county surveyor.
- 20.68.100 County surveyor preliminary action.
- 20.68.120 County surveyor second transmittal.
- 20.68.140 Action by planning director.
- 20.68.160 County surveyor action.
- 20.68.170 Grounds for disapproval.
- 20.68.180 Recording fee.
- 20.68.200 Filing fee retention on abandonment of proceedings.
- 20.68.220 Dedications not shown at time of filing void.

20.68.020 County surveyor first transmittal. The county surveyor shall within three days of the submittal specified in Section 20.40.020 transmit one copy of the parcel map, check print and a copy of the receipt of ~~the~~ parcel map filing fee to the planning director. (Ord. 2163 § 1 (part), 1975).

20.68.040 Duty of county surveyor. It shall be the duty of the county surveyor to examine and to check the parcel map as to the sufficiency of affidavits, consents to the making thereof, certificates of dedications, acceptance of dedications, acknowledgments, correctness of surveying data, and computations, and its compliance with the changes or alterations designated upon the tentative map and such other maps that require checking to insure compliance with the law and this title. (Ord. 2303 § 26, 1977; Ord. 2163 § 1 (part), 1975).

20.68.060 Duty of planning director. It shall be the duty of an authorized representative of the planning director to examine the check print to determine if it is in substantial conformance with the approved tentative map. (Ord. 2163 § 1 (part), 1975).

20.68.080 Return to county surveyor. Within ten days after receipt of the check print, the authorized representative of the planning director shall certify to the county surveyor its correctness or advise the subdivider and county surveyor of any errors or omission. (Ord. 2163 § 1 (part), 1975).

20.68.100 County surveyor preliminary action. At such time that the county surveyor receives a certificate from the authorized representative of the planning director stating that the parcel map is in substantial conformance with the approved tentative map, and the county surveyor is

satisfied that the parcel map satisfies Section 20.68.020, he shall so notify the subdivider or his agent. (Ord. 2163 § 1 (part), 1975).

20.68.120 County surveyor second transmittal. The county surveyor shall within three days of the submittal of the parcel map and all accompanying material, but following notification as specified in Section 20.68.100, transmit to the planning director the parcel map along with the accompanying material specified in Sections 20.64.080, 20.64.120 and 20.64.140. (Ord. 2163 § 1 (part), 1975).

20.68.140 Action by planning director. The parcel map shall be signed by the planning director or his authorized representative and returned to the county surveyor. (Ord. 2303 § 27, 1977; Ord. 2163 § 1 (part), 1975).

20.68.160 County surveyor action. (a) The county surveyor shall sign and seal the parcel map and shall present it to the county recorder; provided the board of supervisors has executed any required improvement agreement as specified in Section 20.40.100.

(b) If the map has not been certified as correct by the planning director or county surveyor, the county surveyor shall within three days return the parcel map, with accompanying documents specified in (a), to the subdivider or his agent, together with a statement setting forth the grounds for disapproval. (Ord. 2303 § 28, 1977; Ord. 2163 § 1 (part), 1975).

20.68.170 Grounds for disapproval. A parcel map shall be disapproved only for failure to meet or perform requirements or conditions which were applicable to the subdivision at the time of approval of the tentative map. This section shall not be construed to require disapproval of a map when the failure of the map is the result of a technical or inadvertent error which in the opinion of the county surveyor does not materially affect the validity of the map. (Ord. 2303 § 29, 1977).

20.68.180 Recording fee. Upon the approval of any parcel map and after the signatures and seals have been affixed, the county surveyor shall transmit the map to the county recorder. The recording fee shall be paid to the recorder by the subdivider. (Ord. 2163 § 1 (part), 1975).

20.68.200 Filing fee retention on abandonment of proceedings. In the event that the proceedings are abandoned or a parcel map is never recorded, the full filing fee collected upon the filing of the tentative map shall be retained by the county. (Ord. 2163 § 1 (part), 1975).

20.68.220 Dedications not shown at time of filing void. Upon filing the map with the county recorder, all dedications and offers of dedication not shown on the parcel map for reversion shall be of no further force and effect. (Ord. 2163 § 1 (part), 1975).

20.70.010-20.70.030 SUBDIVISIONS

Chapter 20.70

CORRECTION AND AMENDMENT OF MAPS

Sections:

- 20.70.010 General.
- 20.70.020 Preparation.
- 20.70.030 Duty of county surveyor.
- 20.70.040 Recording.
- 20.70.050 Additional amendments.

20.70.010 General. After a final map or parcel map is filed in the office of the county recorder, it may be amended by a certificate of correction or an amending map:

- (a) To correct an error in any course or distance shown thereon;
- (b) To show any course or distance that was omitted therefrom;
- (c) To correct an error in the description of the real property shown on the map;
- (d) To indicate monuments set after the death, disability or retirement from practice of the engineer or surveyor charged with responsibilities for setting monuments; or
- (e) To show the proper location or character of any monument which has been changed in location or character, or originally was shown at the wrong location or incorrectly as to its character;
- (f) To correct any other type of map error or omission as approved by the county surveyor, which does not affect any property right. Such errors and omissions may include, but are not limited to, lot numbers, acreage, street names and identification of adjacent record maps.

As used in this section, "error" does not include changes in courses or distances from which an error is not ascertainable from the data shown on the final or parcel map. (Ord. 2731 § 26 (part), 1982).

20.70.020 Preparation. The amending map or certificate of correction shall be prepared and signed by a registered civil engineer or licensed land surveyor. An amending map shall conform to the requirements of Chapter 20.36 if a final map, or Chapter 20.60 if a parcel map. The amending map or certificate of correction shall set forth in detail the corrections made and show the names of the present fee owners of the property affected by the correction or omission. (Ord. 2731 § 26 (part), 1982).

20.70.030 Duty of county surveyor. It shall be the duty of the county surveyor to examine the amending map or certificate of correction for compliance with this chapter. If the only changes made are those set forth in Section 20.70.010, the county surveyor shall certify to this fact on the amending map or certificate of correction. (Ord. 2731 § 26 (part), 1982).

20.70.040 Recording: The amending map or certificate of correction certified by the county surveyor shall be filed in the office of the county recorder in which the original map was filed. Upon such filing, the recorder shall index the names of the fee owners and the appropriate tract designation shown on the amending map or certificate of correction in the general index and map index respectively. Thereupon, the original map shall be deemed to have been conclusively so corrected, and thereafter shall impart constructive notice of all such corrections in the same manner as though set forth upon the original map. (Ord. 2731 § 26 (part), 1982).

20.70.050 Additional amendments. In addition to the amendments authorized by Section 20.70.010, after a final map or parcel map is filed in the office of the county recorder such a recorded final map may be modified by a certificate of correction or an amending map if the planning commission finds that there are changes in circumstances which make any or all of the conditions of such a map no longer appropriate or necessary and that the modifications do not impose any additional burden on the present fee owner of the property, and if the modifications do not alter any right, title or interest in the real property reflected on the recorded map, and the planning commission finds that the map as modified conforms to the provisions of Section 20.32.110 or 20.56.120, as applicable. Any such modification shall be set for public hearing as provided for in Section 20.32.090. The planning commission shall confine the hearing to consideration of and action on the proposed modification. (Ord. 2731 § 26 (part), 1982).

Chapter 20.72

CONDOMINIUMS AND CONVERSIONS TO CONDOMINIUMS

Sections:

- 20.72.010 Definitions.
- 20.72.015 Application for condominium project.
- 20.72.020 Condominium conversion notice by subdivider.
- 20.72.025 Public notice.
- 20.72.030 Action on tentative map.
- 20.72.035 Action on final map.
- 20.72.040 Final and parcel map filing.
- 20.72.045 Improvement security.
- 20.72.050 Appeals.
- 20.72.055 Subdivision public report.

20.72.010 Definitions. (a) "Condominium" is defined as set forth in Civil Code Section 783. Condominium, as used in this title, includes "community apartment" and "stock cooperative."

(b) "Community apartment" means a development in which there is an undivided interest in the land coupled with the right of exclusive occupancy

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of an apartment located therein. Community apartments shall be subject to the same restrictions and conditions set forth in this chapter for condominiums.

(c) "Stock cooperative" means a corporation which is formed or availed of primarily for the purpose of holding title to, either in fee simple or for a term of years, improved real property, if all or substantially all of the shareholders of such corporation receive a right of exclusive occupancy in a portion of the real property, title to which is held by the corporation, which right of occupancy is transferable only concurrently with the transfer of the share or shares of stock or membership certificate in the corporation held by the person having such right of occupancy.

(d) "Condominium conversion" means the development or use of the land and existing structures as a condominium project regardless of the present or prior use of such lands and structures, and regardless of whether substantial improvements have been made to such structures.

(e) "Condominium project" means the entire parcel of real property, including all structures thereon, to be divided into two or more units for the purpose of constructing or converting existing structures to condominium units.

(f) "Moderate income" means the standard adopted by the county in its general plan, including any revisions that may be made hereafter.

(g) "Reasonable percentage of moderate income units" means the percentage adopted by the county as a requirement for new developments.

(h) "Housing policy statements" means those statements or ordinances which are adopted by the board of supervisors. (Ord. 2731 § 27 (part), 1982; Ord. 2163 § 1 (part), 1975).

20.72.015 Application for condominium project. In addition to the tentative map requirements of this title, applications for condominium projects shall include:

(a) A map showing all common areas and usage of the building and grounds, and plans for the interior division of the building showing horizontal and vertical boundaries of all units;

(b) A copy of the bylaws of the condominium association, including the following:

(1) A maintenance plan which clearly specifies methods and standards for performance of common responsibilities and maintenance for all common areas and equipment and fees to be assessed for such purposes. (The maintenance plan shall include a sinking fund for major repairs and extraordinary expenses);

(2) A statement that in the case of a public nuisance in any common area, the county may enter the property to abate the nuisance pursuant to the Marin County Code, Chapter 1.05, and charge the cost of abatement to the condominium association or other appropriate parties as therein provided;

(3) A provision that an individual owner cannot avoid liability for his

prorated share of the expenses for the common area by renouncing his rights in the common area.

(c) A preliminary condominium conversion report from the department of building inspection on the condition of the building, listing all building and/or housing code violations and related violations which are detrimental to the health, safety and welfare of the public, the owners and the occupants of the building is required. The applicant shall provide copies of this report to prospective purchasers;

(d) Plans and descriptions are required, showing how the following will be performed:

(1) All site work shall be brought up to current county standards as specified in this title and Title 24 of this code. The county may, if it deems it necessary, require additional parking facilities to meet requirements of owner and guests;

(2) Violations cited in the condominium conversion report by the department of building inspection shall be corrected;

(3) Condominium projects shall meet current Uniform Building Code requirements for "products of combustion" detection devices and systems;

(4) Condominium projects shall have all public utilities independently metered to each unit unless appropriate agreements are included in the covenants, conditions and restrictions.

(e) For condominium projects involving the conversion of residential real property, the following additional information shall be submitted:

(1) Length of occupancy of present tenants;

(2) Household composition;

(3) Current rents, whether rents include or exclude utilities, date and amount of last rental increase;

(4) Nature of lease agreements;

(5) Approximate proposed sale price of units and financing arrangements;

(6) Plans and/or descriptions indicating provisions for adequate protected storage space for each unit in addition to closet space normal to all units;

(7) Plans and/or descriptions indicating provisions of laundry facilities in each unit or of adequate common laundry facilities. (Ord. 2731 § 27 (part), 1982).

20.72.020 Condominium conversion notice by subdivider. The following noticing procedures must be met by the subdivider of residential real property:

(a) Commencing at a date not less than sixty days prior to the filing of a tentative map for a condominium conversion, the subdivider or his agent shall give notice of such filing to each person applying after such date for rental of a unit of the subject property. Said notice shall be given immediately prior to acceptance of any rent or deposit from the prospective tenant by the subdivider and shall be as follows:

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(1) The notice shall meet all requirements of Section 66452.8(b) of the California Government Code;

(2) Failure by a subdivider to give the required notice shall not be grounds to deny the conversion. However, if the subdivider or his agent fails to give notice pursuant to this section, he shall pay to each prospective tenant who becomes a tenant and who was entitled to such notice, and who does not purchase his or her unit an amount equal to the sum of the following:

(A) Actual moving expenses incurred when moving from the subject property, but not to exceed five hundred dollars.

(B) The first month's rent on the tenant's new rental unit, if any, immediately after moving from the subject property, but not to exceed five hundred dollars.

(b) Commencing at a date not less than sixty days prior to the filing of a tentative map for a condominium conversion, the subdivider or his agent shall give notice of such filing to each tenant of the subject property. The notice shall meet all of the requirements of Section 66452.9(b) of the California Government Code. (Ord. 2731 § 27 (part), 1982).

20.72.025 Public notice. In addition to the noticing requirements for tentative maps as set forth in this title, the following notice shall be required for the conversion of residential real property to a condominium project, community apartment project, or stock cooperative project. Notice shall be mailed to each tenant of the subject property at least ten days before the hearing or decision date on the proposed conversion. Such notice to tenants shall include the time and place of the hearing and notification of the tenant's right to appear and the right to be heard. (Ord. 2731 § 27 (part), 1982).

20.72.030 Action on tentative map. In addition to the findings required for approval of a tentative map as set forth in this title, the following findings shall be required for the approval of a tentative map for the conversion of residential real property:

(a) The planning commission or planning director, as applicable, shall determine whether the proposed conversion is consistent with the following adopted housing goals:

(1) To encourage continuation of social and economic diversity in Marin County communities through a variety of housing types;

(2) To expand the supply of decent housing for low and moderate income families;

(3) To achieve greater economic balance for Marin by increasing the number of jobs and the supply of housing for people who will hold them.

(b) The planning commission or planning director, as applicable, may establish reasonable requirements to insure that a percentage of the converted units will be reserved for persons of moderate income. The percentage shall conform to that normally required in new developments.

(c) The planning commission or planning director, as applicable, shall

determine whether the staff report, if any, for a proposed tentative map for a condominium conversion has been served on each tenant of the subject property at least three days prior to any hearing or action on such map by the planning commission or planning director.

(d) The planning commission or planning director, as applicable, shall deny the tentative map upon finding that:

(1) The proposed conversion would reduce the countywide rental vacancy rate below five percent based on the most recent U.S. government postal vacancy survey or county local survey;

(2) The proposed conversion would reduce the ratio of multiple-family rental units to less than twenty-five percent of the total number of dwelling units in the county, with no replacement rental housing being provided. (Ord. 2731 § 27 (part), 1982; Ord. 2163 § 1 (part), 1975).

20.72.035 Action on final map. In addition to the requirements for final maps as set forth in this title, the planning commission or planning director shall determine that the following requirements have been met prior to the approval of a final map for a condominium conversion of residential real property:

(a) Each of the tenants of the proposed condominium, community apartment project, or stock cooperative project has received, pursuant to this title and the Subdivision Map Act, written notification of intention to convert at least sixty days prior to the filing of a tentative map. There shall be a further finding that each such tenant, and each person applying for the rental of a unit in such residential real property, has, or will have, received all applicable notices and rights now or hereafter required by this chapter and the Subdivision Map Act. In addition, a finding shall be made that each tenant has received ten days' written notification that an application for a public report will be, or has been, submitted to the department of real estate and that such report will be available on request. The written notices to tenants required by this subdivision shall be deemed satisfied if such notices comply with the legal requirements for service by mail;

(b) Each of the tenants of the proposed condominium, community apartment project, or stock cooperative project has been, or will be, given written notification within ten days of approval of a final map for the proposed conversion:

(c) Each of the tenants of the proposed condominium, community apartment project, or stock cooperative project has been, or will be, given one hundred eighty days' written notice of intention to convert prior to termination of tenancy due to the conversion or proposed conversion. The provisions of this subdivision shall not alter or abridge the rights or obligations of the parties in performance of their covenants, including, but not limited to, the provision of services, payment of rent or the obligations imposed by Sections 1941, 1941.1, and 1941.2 of the Civil Code;

(d) Each of the tenants of the proposed condominium, community apartment project, or stock cooperative project has been, or will be, given

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notice of an exclusive right to contract for the purchase of his or her respective unit upon the same terms and conditions that such unit will be initially offered to the general public on terms more favorable to the tenant. The right shall run for a period of, not less than ninety days from the date of issuance of the subdivision public report pursuant to Section 11018.2 of the Business and Professions Code, unless the tenant gives prior written notice of his or her intention not to exercise the right. (Ord. 2731 § 27 (part), 1982).

20.72.040 Final and parcel map filing. Final and parcel maps for condominium conversion shall be filed in the same manner as specified in Chapters 20.40 and 20.64, except that concurrently filed with the final or parcel map shall be a condominium conversion report from the department of building inspection stating that the condominium structures and units are in conformance with the housing code, as adopted by Marin County and the applicable provisions of this chapter, or that agreements have been entered into with the board of supervisors pursuant to this chapter. No final or parcel map shall be approved or recorded until the requirements of this section have been complied with. (Ord. 2731 § 27 (part), 1982; Ord. 2303 § 33, 1977; Ord. 2163 § 1 (part), 1975).

20.72.045 Improvement security. If the improvement work required under this chapter cannot be completed satisfactorily before the final or parcel map is filed, the applicant may enter into an agreement with the board of supervisors within the provisions of Chapter 20.20. (Ord. 2731 § 27 (part), 1982; Ord. 2163 § 1 (part), 1975).

20.72.050 Appeals. The subdivider, any aggrieved person, or any tenant of the subject property, in the case of a proposed conversion of residential real property to a condominium project, community apartment project, or stock cooperative project, may appeal from any action of the planning commission or planning director as set forth in Chapter 20.88 of this title. In addition to the noticing requirements of Chapter 20.88, notice of each appeal hearing shall be sent by United States mail to each tenant of the subject property, in the case of a conversion of residential real property to a condominium project, community project, or stock cooperative project. (Ord. 2731 § 27 (part), 1982).

20.72.055 Subdivision public report. The subdivision public report shall state that sales are subject to occupancy by the existing tenant at the existing rental rate for ninety days from the date of issuance of said report. Within five days of issuance of the subdivision public report, the applicant shall notify the tenants of the following:

- (a) The date of issuance of the report;
- (b) The right of occupancy specified in this chapter;
- (c) That no repair or remodeling will begin until at least thirty days after the date of the issuance of the subdivision public report or the date of

notification, whichever is later. Copies of said notices shall be filed with the planning department at the time the notice is given to the tenants. In the case of a conversion project consisting of four parcels or less, the applicant shall meet this requirement within five days of the approval of the parcel map. (Ord. 2731 27 (part), 1982.)

(Ord. 2898, Dec. 17, 1985)
Chapter 20.74
VESTING TENTATIVE MAPS

20.74.010	Citation
20.74.015	Purpose and Intent
20.74.020	Consistency
20.74.025	Definitions
20.74.030	Application
20.74.035	Filing and Processing
20.74.040	Fees
20.74.045	Vesting on Approval of Vesting Tentative Map
20.74.050	Expiration
20.74.055	Amendments
20.74.060	Extensions
20.74.065	Effective Date

20.74.010 Citation. This chapter is enacted pursuant to the authority granted by Chapter 4.5 (commencing with Section 66498.1) of Division 2 of Title 7 of the Government Code of the State of California (hereinafter referred to as the Vesting Tentative Map Statute), and may be cited as the Vesting Tentative Map Ordinance.

20.74.015 Purpose and Intent. It is the purpose of this ordinance to establish procedures necessary for the implementation of the Vesting Tentative Map Statute, and to supplement the provisions of the Subdivision Map Act and the Marin County Subdivision Ordinance. Except as otherwise set forth in the provisions of this chapter, the provisions of the Subdivision Ordinance shall apply to the Vesting Tentative Map Ordinance.

To accomplish this purpose, the regulations outlined in this ordinance are determined to be necessary for the presentation of the public health, safety, and general welfare, and for the promotion of orderly growth and development.

20.74.020 Consistency. No land shall be subdivided and developed pursuant to a vesting tentative map for any purpose which is inconsistent with the Marin Countywide Plan and any applicable Community Plan or not permitted by Title 22 (Zoning) or other applicable provisions of the Marin County Code.

20.74.025 Definitions.

(a) A "Vesting Tentative Map" shall mean a "Tentative Map" as defined in the Marin County Subdivision Ordinance that guarantees the applicant's right for a period of time as specified hereafter to proceed with development of subject property in substantial compliance with the approved tentative map and with the ordinances, policies, and standards in effect at the time the application for a vesting tentative map is determined to be complete.

(b) Initial Time Period means that period of time subsequent to recordation of a final subdivision map during which the rights referred to herein remain vested, said time period to be prescribed by local ordinance for no less than one nor more than two years per Government Code Section 66452.6.

(c) All other definitions set forth in the Marin County Subdivision Ordinance continue to be applicable.

20.74.030 Application.

(a) This chapter shall apply only to residential development prior to January 1, 1988 but shall subsequent to said date apply to both residential and non-residential development.

(b) Whenever a provision of the Subdivision Map Act, as implemented and supplemented by the Marin County Subdivision Ordinance, requires the filing of a tentative map or tentative parcel map, a vesting tentative map may instead be filed in accordance with the provisions hereof.

(c) If a subdivider does not seek the rights conferred by the Vesting Tentative Map Statute, the filing of a vesting tentative map shall not be prerequisite to any approval for any proposed subdivision, permit for construction, or work preparatory to construction.

20.74.035 Filing and Processing. A vesting tentative map shall be filed in the same form and have the same contents, accompanying data and reports and shall be processed in the same manner as set forth in the Marin County Subdivision Ordinance for a tentative map except as hereinafter provided:

(a) At the time a vesting tentative map is filed, it shall have printed conspicuously on its face the words "Vesting Tentative Map."

(b) At the time a vesting tentative map is filed for any project requiring design review per the provisions of Section 22.82.020 of the Zoning Ordinance, design review approval shall be obtained by the subdivider prior to or concurrent with approval of the vesting tentative map, and no vesting tentative map shall be approved unless and until the decision making body first finds that the proposed project meets the standards for design review approval contained in Section 22.82.040. This requirement may be waived upon application to the planning director or planning commission, as appropriate.

20.74.040 Fees. Upon filing a vesting tentative map, the subdivider shall pay all fees as established by resolution of the Marin County Board of Supervisors.

20.74.045 Vesting on Approval of Vesting Tentative Map.

(a) The approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the approved tentative map and with the ordinances, policies, and standards described in Section 20.74.025.

However, if Section 66474.2 of the Subdivision Map Act is repealed, the approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies,

and standards in effect at the time the vesting tentative map is approved or conditionally approved.

(b) Notwithstanding subdivision (a) a permit, approval, extension, or entitlement may be made conditional or denied if any of the following are determined:

(1) A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both.

(2) The condition or denial is required, in order to comply with state or federal law.

20.74.050 Expiration. The approval or conditional approval of a vesting tentative map shall expire at the end of the same time period and shall be subject to the same extensions established by the subdivision ordinance for the expiration of the approval or conditional approval of a tentative map. The rights conferred by a vesting tentative map as set forth in Section 20.74.045 shall begin upon County approval of the vesting tentative map and shall last for an initial time period of one year with a possible one year extension beyond the recording of the final map. Where several final maps are recorded on various phases of a project covered by a single vesting tentative map, the one year time period shall begin for each phase when the final map for that phase is recorded. The initial time period shall be automatically extended by any time used for processing a building permit or grading permit if the time used to process the application exceeds 30 days from the date that a complete application is filed. The rights shall expire if a final map is not approved prior to the expiration of the vesting tentative map.

20.74.055 Amendments. An approved or conditionally approved vesting tentative map shall be subject to the same amendment procedures and fees as established by the subdivision ordinance for the amendment of an approved or conditionally approved tentative map.

20.74.060 Extensions.

(a) Any time prior to the expiration of the initial 1 year time period provided by this chapter, the subdivider may apply for a 1-year extension. If the extension is denied by the planning director or planning commission, the subdivider may appeal that denial to the board of supervisors within 15 days from the date of denial.

(b) If the subdivider submits a complete application for a building permit(s) during the initial 1 year time period, the vested rights shall continue until the expiration of the building permit(s), or any extension thereof.

(Chapter 20.74 added by Ord. 2898 Dec. 17, 1985).

Chapter 20.76

REVERSION TO ACREAGE AND RESUBDIVISION

Sections:

- 20.76.020 Reversion to acreage petition by owners.
- 20.76.040 Reversion to acreage by board of supervisors.
- 20.76.060 Data required for reversion to acreage.
- 20.76.070 Public hearing.
- 20.76.080 Action on reversion to acreage.
- 20.76.100 Final map or parcel map required.
- 20.76.120 Resubdivision.

20.76.020 Reversion to acreage petition by owners. Owners of property previously divided may submit a petition to the planning director for reversion to acreage of their property. The petition shall contain a filing fee in the amount designated in the resolution of the board of supervisors establishing fees for subdivisions. (Ord. 2163 § 1 (part), 1975).

20.76.040 Reversion to acreage by board of supervisors. The board of supervisors, at the request of any person or on its own motion, may initiate proceedings to revert property to acreage. The board of supervisors shall direct the planning commission to obtain the necessary information to initiate and conduct the proceedings. The filing fee, in the amount designated in the resolution of the board of supervisors establishing fees for subdivisions, shall be paid by the person requesting the initiation of the proceedings. (Ord. 2303 § 35, 1977; Ord. 2163 § 1 (part), 1975).

20.76.060 Data required for reversion to acreage. Petitioners shall file the following:

- (a) Evidence of title to the real property;
- (b) Evidence of the consent of all of the owners of an interest(s) in the property;
- (c) Evidence that none of the improvements required to be made have been made within two years from the date the parcel map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is later; or
- (d) Evidence that no lots shown on the parcel map have been sold within five years from the date such parcel map was filed for record:

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(e) A tentative map in the form prescribed by Chapter 20.24. (Ord. 2303 § 36, 1977; Ord. 2163 § 1 (part), 1975).

20.76.070 Public hearing. A public hearing shall be held by the planning commission on all applications for reversion to acreage. Notice thereof shall be given ten days prior to the hearing to all property owners within three hundred feet of the subject property. (Ord. 2731 § 28, 1982).

20.76.080 Action on reversion to acreage. Action on a reversion to acreage petition for a subdivision or portion thereof shall comply with Chapter 20.32 or with Chapter 20.56 as applicable. Approval of a reversion to acreage can be made only if it is found that:

(a) Dedication or offers of dedication to be vacated or abandoned by the reversion to acreage are unnecessary for present or prospective public purposes.

(b) Either:

(1) All owners of an interest in the real property within the subdivision have consented to reversion;

(2) None of the improvements required to be made have been made within two years from the date the parcel was filed for record or within the time allowed by agreement for completion of the improvements, whichever is later; or

(3) No lots shown on the parcel map were filed for record.

As conditions of the reversion, the following may be required:

(a) The owners dedicate or offer to dedicate streets or easements;

(b) The retention of all or a portion of previously paid subdivision fees, deposits or improvement securities, if the same are necessary to accomplish any of the provisions of this code section. (Ord. 2163 § 1 (part), 1975).

20.76.100 Final map or parcel map required. After approval of the reversion to acreage, a final map or a parcel map as specified in Chapter 20.36 or Chapter 20.60 respectively may be submitted as specified in Chapter 20.40 or 20.64. The reversion shall become effective upon completion of processing as specified in Sections 20.44.240 and 20.68.240. Upon filing the map with the county recorder, all dedications and offers of dedication not shown on the map for reversion shall be of no further force and effect. (Ord. 2163 § 1 (part), 1975).

20.76.120 Resubdivision. In the event an existing subdivision is redivided so that the street alignment, lot design or drainage will be changed, this is considered a new subdivision, and the procedures for filing tentative and final or parcel maps as outlined in this title are applicable. (Ord. 2163 § 1 (part), 1975).

EXCEPTIONS 20.80.020-20.80.040

Chapter 20.80
EXCEPTIONS

Sections:

- 20.80.020 Application for exceptions.
- 20.80.040 Securing objectives.

20.80.020 Application for exceptions. The county planning commission may authorize conditional exceptions to any of the requirements and regulations set forth in this title. The planning director may authorize conditional exceptions to any of the requirements and regulations set forth in this title for subdivisions which require a parcel map. Application for any such exception shall be made by a verified petition of the subdivider, stating fully the grounds of the application and facts relied upon by the petitioner. Such petition shall be filed with the tentative map of the subdivision. In order for the property referred to in the petition to come within the provisions of this chapter, it shall be necessary that the planning commission or planning director finds the following facts with respect thereto:

- (a) There are special circumstances or conditions affecting the property.
- (b) The exception is necessary for the preservation and enjoyment of a substantial property right of the petitioner.
- (c) That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the territory in which said property is situated. (Ord. 2163 § 1 (part), 1975).

20.80.040 Securing objectives. In authorizing such exceptions, the planning commission or planning director shall secure substantially the objectives of the regulations to which the exceptions are granted as to light, air and the public health, safety, convenience and general welfare. (Ord. 2163 § 1 (part), 1975).

20.84.010-20.84.015 SUBDIVISIONS

Chapter 20.84

NOTICES OF VIOLATION AND
CERTIFICATE OF COMPLIANCE

20.84.010	Definitions
20.84.015	Recordation of Merger
20.84.020	Enforcement
20.84.030	Development Permits and Approvals Withheld
20.84.040	Presumption of Lawful Creation
20.84.050	Certificates of Compliance
20.84.060	Fees
20.84.080	Violations

20.84.010 Definitions. Terms not defined in this section shall be as defined in this Title 24 or the Subdivision Map Act of the State of California.

(a) "Certificate of Compliance" means a document describing a unit or contiguous units of real property and stating that such real property has been divided or has resulted from a division, in compliance with the Subdivision Map Act and Marin County Code.

(b) "Conditional Certificate of Compliance" means a document describing a unit or contiguous units of real property and stating that such real property shall be deemed to be divided in compliance with the Subdivision Map Act and Marin County Code at such time as the conditions stated thereon have been satisfactorily completed.

(c) "Final Notice of Violation" means a document describing a unit or contiguous units of real property, naming the owners thereof, and describing the manner in which the real property has been divided or resulted from a division in violation of the Subdivision Map Act or Marin County Code.

(d) "Tentative Notice of Violation" means a document describing a unit or contiguous units of real property, naming the owners thereof, describing the manner in which said real property has been divided or resulted from a division in violation of the Subdivision Map Act or Marin County Code, and stating that an opportunity will be given to the owner to present evidence to the advisory agency as to why a final notice of violation should not be recorded. (Ord. 2303 37, 1977; Ord 2163 1 (part); 1975.)

20.84.015 Recordation of Merger. (Ord. 2406, May 22, 1979; Ord. 2731, Sept. 14, 1982; Repealed Ord. 2840, Aug. 7, 1984.)

20.84.020 Enforcement. Whenever any person has knowledge that real property has been divided or has resulted from a division in violation of provisions of the Subdivision Map Act or Marin County Code, he shall report such violation to the planning director and county surveyor. After verification by the planning director, it shall be the duty of the county surveyor to cause to be filed for record with the county recorder a tentative notice of violation and thereafter a final notice of violation as specified in this chapter.

At least thirty days prior to the recording of a final notice of violation, the owner of the real property shall be advised in writing by the planning director of the intention to record a final notice of violation and specifying a time, date and place at which time the owner may present evidence to the advisory agency why a final notice of violation should not be recorded. If, after the owner has presented evidence, it is determined that there has been no violation, the county surveyor shall file a release of the tentative notice of violation with the county recorder. Such tentative or final notice of violation, when recorded, shall be deemed to be constructive notice of the violation to all successors in interest in such property. (Ord. 2303 § 38, 1977; Ord. 2163 § 1 (part), 1975).

20.84.030 Development permits and approvals withheld. No permits or approvals necessary to develop any real property shall be issued for such real property which has been divided or which has resulted from a division in violation of the provisions of the Subdivision Map Act or the Marin County Code applicable at the time such division occurred, unless the planning director or, on appeal, the planning commission finds that the development of such real property is not contrary to the public health, safety or general welfare. The authority to deny such a permit or approval shall apply whether the applicant therefor was the owner of the real property at the time of such violation or whether the applicant therefor is the current owner of the real property with or without actual or constructive knowledge of the violation at the time of the acquisition of his interest in such real property.

If the planning director, or, on appeal, the planning commission, finds that the development of such real property is not contrary to the public health, safety or general welfare, the planning director or the planning commission, whichever has made such determination, may impose such conditions that would have been applicable to the division of the property at the time the current owner of record acquired the property, and which had

20.84.040 SUBDIVISIONS

been established at such time by the Subdivision Map Act and this code. However, where the applicant was the owner of record at the time of the initial violation of the provisions of the Subdivision Map Act and/or any county code applicable to subdivisions and such person is the current owner of record of one or more of the parcels created in violation of the Subdivision Map Act and/or county code, then the planning director or planning commission may impose such conditions as would be applicable to a current division of the property. If a conditional certificate of compliance has been filed for record pursuant to this chapter only such conditions stipulated in that certificate shall be applicable, subject further to the provisions of Section 20.84.050.

In determining whether approval or conditional approval should be granted for development of real property divided or resulting from a division in violation as specified in this chapter, the planning director or planning commission shall give consideration to the following factors:

(a) Whether the owner of the real property in question can rescind the agreement by which he acquired such property and recover the consideration paid therefor;

(b) Whether the real property meets the requirements of the applicable zoning regulations;

(c) Whether the real property is, or may be, served by a public sewer or is approved by the health officer for installation of an on-site sewage disposal system in accordance with Marin County codes;

(d) Whether the real property is served by a public water system or other domestic water supply satisfactory to the department of environmental health;

(e) Whether the real property has the required frontage on a forty-foot-wide public or private right-of-way;

(f) Whether the current owner would have been required to dedicate land for any public purpose or construct or install any improvements pursuant to the Subdivision Map Act or this code if the subdivision by which said real property was created has been submitted for approval at the time the current owner acquired the property;

(g) Conformance with any adopted city or county plan or element thereof.

In all cases, a certificate of compliance or a conditional certificate of compliance shall be issued for any real property approved for development pursuant to this section. (Ord. 2731 § 30, 1982; Ord. 2303 § 39, 1977; Ord. 2163 § 1 (part), 1975).

20.84.040 Presumption of lawful creation. For the purposes of this title, any parcel created prior to March 4, 1972, shall be conclusively presumed to have been lawfully created if any subsequent purchaser acquired that parcel for valuable consideration without actual or constructive knowledge of a violation of this title or the state Subdivision Map Act. Owners of parcels or units of land affected by the provisions of this section shall be required to

obtain a certificate of compliance pursuant to Chapter 20.84 prior to obtaining a permit or other grant of approval for development of the parcel or unit of land. For purposes of determining whether the parcel or unit of land complies with the provisions of this title and of the county code, as required pursuant to Section 20.84.050, the presumption declared in this section shall not be operative. (Ord. 2731 § 31, 1982).

20.84.050 Certificates of compliance. Certificates of compliance shall be governed by the following regulations.

(a) Application. Any owner of real property may request in writing that the planning director make a determination whether any real property was divided or has resulted from a division in compliance with applicable provisions of the Subdivision Map Act or provisions of the Marin County Code at the time said real property was divided or resulted from such division. Within twenty working days after receipt of such written request and such fees and applications which may be required, the planning director shall make a determination that such real property complies with the applicable provisions of the Subdivision Map Act and the Marin County Code, or that such real property does not comply with said provisions, and shall notify the applicant and owner thereof in writing, setting forth the particulars of such compliance or noncompliance.

(b) County Review. The following are required for county review:

(1) If the subject real property is found to be in compliance with the Subdivision Map Act and the Marin County Code, the planning director shall certify such compliance to the county surveyor who shall cause a certificate of compliance relative to such real property to be filed for record with the county recorder.

Certificates of compliance shall be recorded only for real property that meets the following conditions:

(A) Parcels created pursuant to provisions of Title 22 in effect at the time of division, if created before October 27, 1964, and said parcel was not held in contiguous ownership with other real property after October 27, 1964, except as noted in (B):

(B) Parcels shown on a record of survey or official survey, if recorded after September 2, 1938, and before October 27, 1964;

(C) Parcels approved for development pursuant to Section 20.84.030. (Such certificates of compliance may be recorded only when the conditions specified for a development approval pursuant to Section 20.84.030 have been completed. Otherwise a conditional certificate of compliance shall be recorded.)

A recorded final subdivision map approved subsequent to September 2, 1938, or a recorded parcel map shall constitute a certificate of compliance with respect to the lots described therein and no additional certificate of compliance shall be issued therefor.

(2) If the subject real property is found to be in violation with the provisions of the Subdivision Map Act or this code, the planning director

may, as a condition to granting a certificate of compliance, impose such conditions as would have been applicable to the division of the property at the time the current owner of record acquired the property and which had been established at such time by the Subdivision Map Act and this code; except, however, that where the applicant was the owner of record at the time of the initial violation of the provisions of the Subdivision Map Act and/or county code applicable to subdivisions, and such person is the current owner of record of one or more of the parcels created in violation of the Subdivision Map Act and/or county code, then the planning director may impose such conditions as would be applicable to a current division of the property. Upon making such a determination and establishing such conditions, the planning director shall notify the county surveyor who shall cause a conditional certificate of compliance to be filed for record with the county recorder. Such certificate shall serve as notice to the property owner who has applied for the certificate pursuant to this chapter, a grantee of the property owner, or any subsequent transferee or assignee of the property that the fulfillment and implementation of such conditions shall be required prior to subsequent issuance of a permit or other grant of approval for development of the property.

Compliance with such conditions shall not be required until such time as a permit or other grant of approval for development for such property is issued. (Ord. 2731 § 32, 1982; Ord. 2303 § 40, 1977; Ord. 2163 § 1 (part), 1975).

20.84.060 Fees. At the time of filing any request pursuant to this section intended to result in the issuance of certificates of compliance or conditional certificates of compliance, there shall be paid to the planning department a fee as specified in the resolution of the board of supervisors establishing fees for subdivisions. (Ord. 2303 § 41, 1977; Ord. 2163 § 1 (part), 1975).

20.84.080 Violations. Any person violating any of the provisions of the Subdivision Map Act or of the Marin County Code regulating the division of land is guilty of a misdemeanor, and any person, firm, corporation, partnership, or copartnership upon conviction thereof shall be punishable by a fine not less than twenty-five dollars and not more than five hundred dollars, by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment. Nothing contained in this section shall be deemed to bar any legal, equitable or summary remedy to which the county or any other political subdivision or person, firm, corporation, partnership or copartnership may otherwise be entitled. The county or any other political subdivision or person, firm, corporation, partnership or copartnership may file a suit in the superior court of the county to restrain or enjoin any attempted or proposed division or sale in violation of this title and Title 24. Any building or structure erected or constructed in violation of this title or Title 24 is unlawful and a public nuisance. (Ord. 2163 § 1 (part), 1975).

Chapter 20.88

APPEALS

Sections:

- 20.88.020 Administrative actions appealable.
- 20.88.040 Planning commission action appealable.
- 20.88.060 Filing requirements.
- 20.88.080 Notice of hearings.
- 20.88.100 Time limitation and vote—Planning commission.
- 20.88.120 Time limitation and vote—Board of supervisors.
- 20.88.140 Failure of appellate body to act.
- 20.88.160 Exhaustion of remedy.

20.88.020 Administrative actions appealable. Any person aggrieved by any determination, interpretation, decision, conclusion, decree, judgment, or similar action taken by any administrative personnel under the provisions of this title may appeal such action to the planning commission. (Ord. 2731 § 33 (part), 1982: Ord. 2163 § 1 (part), 1975).

20.88.040 Planning commission action appealable. Actions or appellate determinations of the planning commission may be appealed to the board of supervisors. (Ord. 2731 § 33 (part), 1982: Ord. 2163 § 1 (part), 1975).

20.88.060 Filing requirements. Appeals shall be addressed to the appellate body, in writing, and shall state the basis of the appeal. Appeals shall be filed in the office of the appellate body not later than five p.m. of the tenth calendar day following the date of the action from which an appeal is taken. Appeals shall be accompanied by the filing fee as specified in the resolution of the board of supervisors establishing fees for subdivisions. (Ord. 2731 § 33 (part), 1982: Ord. 2163 § 1 (part), 1975).

20.88.080 Notice of hearings. The planning department shall give notice of the hearing on any appeal to owners of property within three hundred feet of the exterior limits of the subdivision or land division whose names and addresses are shown on the latest equalized county assessment roll. Such notice shall be mailed ten calendar days prior to the date of hearing on the appeal. (Ord. 2731 § 33 (part), 1982: Ord. 2163 § 1 (part), 1975).

20.88.100 Time limitation and vote — Planning commission. The planning commission shall determine an appeal not later than thirty days following the date on which the appeal was filed in its office unless all parties involved agree to a later date. The action from which an appeal is taken may be reversed or modified only by the affirmative vote of a majority of the authorized membership of the commission. (Ord. 2731 § 33 (part), 1982: Ord. 2163 § 1 (part), 1975).

**20.88.120-20.99.010 SUBDIVISIONS**

20.88.120 Time limitation and vote – Board of supervisors. The board of supervisors shall determine an appeal no later than thirty days following the date on which the appeal was filed in its office unless all parties involved agree to a later date. The act or appellate determination from which an appeal is taken may be reversed or modified only upon an affirmative vote of a majority of the authorized membership of the board. (Ord. 2731 § 33 (part), 1982: Ord. 2163 § 1 (part), 1975).

20.88.140 Failure of appellate body to act. Failure of the appellate body to act within the time specified shall sustain the action or the appellate determination being appealed. (Ord. 2731 § 33 (part), 1982: Ord. 2163 § 1 (part), 1975).

20.88.160 Exhaustion of remedy. All rights of appeal are exhausted when the proceedings set forth in this chapter have been consummated. (Ord. 2731 § 33 (part), 1982: Ord. 2163 § 1 (part), 1975).

Chapter 20.99**RECORDS OF SURVEY****Sections:****20.99.010 Checking fee.**

20.99.010 Checking fee. Pursuant to Section 8766.5 of the State Business and Professions Code, a checking fee shall accompany every record of survey submitted to the county surveyor for checking. This fee shall be as established in the current "Resolution of the Marin County Board of Supervisors Establishing Fees for Permits Administered by the Department of Public Works." (Ord. 2778 § 1, 1983: Ord. 2566 § 1, 1980).

